

MEETING AGENDA Senders Initials JG
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
July 16-17, 1990 mw

Meeting convenes at 10:30 a.m., July 16, 1990 in the fourth floor conference room and reconvenes at 8:30 a.m., July 17, if necessary.

Appointments:

Public Participation	11:00 a.m.
Ed Kistenmacher (Item #8)	11:30 a.m.
Bernie Cooper <u>Darrell Eaton</u> (Item #8)	11:30 a.m.
Joe Nugent (Popejoy Septic Tank Service)	3:30 p.m.

1. Approve Agenda.
2. Approve Minutes of June 18-19, 1990.
3. Director's Report. (Wilson) Information.
4. Monthly Reports. (Stokes) Information.
5. Report from Attorney General's Office. (Sarcone) Information.
6. Proposed Rule--Chapter 61, Water Quality Standards - Stream Use Designations. (Stokes) Information.
7. Final Rule--Chapter 23, Emission Standards for Contaminants (provisions for open burning). (Stokes) Decision.
8. Final Rule--Chapter 135, UST Cleanup Standards. (Stokes) Decision.
9. Final Rule--Chapters 100 and 102, Landfill Operator Certification. (Stokes) Decision.
10. Notice of Intended Action--Chapter 60, Definitions and Chapter 62, Federal Effluent and Pretreatment Standards. (Stokes) Decision.
11. Equipment Acquisition for Air Program. (Kuhn) Decision.
12. Nonpoint Pollution Control Project Contracts. (Kuhn) Decision.
 - a) Floyd County
 - b) Clark County
13. Award Contract of UST Phase I Assessment. (Kuhn) Decision.
14. FY 91, FY 92, and FY 93 Budget. (Kuhn) Information.

15. Financial Status Report. (Kuhn) Information.
16. Landfill Alternative Grant Applications. (Hay) Information.
17. Legislation Report. (Combs) Information.
18. Referrals to the Attorney General. (Combs) Decision.
 - (a) Iowa Dress Club, Inc./Richard Caves (Oskaloosa)
 - (b) William Root/LAWNKeepers (Austin, Mn.)
19. Proposed Contested Case Decision--Victor Carlson. (Combs) Decision.
- 19A. Proposed Contested Case Decision--IBP, inc. (Combs) Decision.*
20. Groundwater Cleanup Guidelines. (Combs) Decision.
21. Discussion on Wetlands Issues. (Stokes) Information.
22. General Discussion Items.
23. Address Items for Next Meeting.

NEXT MEETING DATES

August 20-21, 1990 (Sioux City)
September 17-18, 1990
October 15-16, 1990

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 16, 1990

NAME

COMPANY OR AGENCY

CITY

Jack Aemer

ABI

Des Moines

DAN VEST

GROWMARK

BLOOMINGTON, IL.

Scott Grau

Lee News Bureau

Des Moines

TOM SEERY

ASSOCI PRESS

DM

Jane McAllister

Anders Law Firm

DSM

JOE NETTLETON

SERVAY ANIMAL HEALTH

CHARLES CITY

Don Balvany

Supervision

Hardin Co

Kathy Withers

Metu Solid Waste

Des Moines

" "

" "

Gail Cummings

DAN FRIEBERG

IOUX FERTILIZATION

DES MOINES

ROD BOSHT

CR Gazette

DM

Charles

Marilyn Galtzman

Iowa Hospital Assoc

Des Moines

Linda Goeldner

Shive Battery Engngs.

Jowa City

Octor May

IRS

Shive City

David Rooler

ENVIRONMENTAL PROTECTION COMMISSION

NAME

COMPANY OR AGENCY

CITY

Ed Kristmannach	Petro Marketers of Iowa	JSM
Daniel Eaton	Eaton Co Inc	m' Town
Bob Resmus	Rabio Iowa	DMV
Daniel Elkins	Iowa Farm Bureau	Dunbar
Gene Wesley	Dickinson Law Firm	D. W.
Chuck Becker		

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File Name ADM-1-1-1 EPC Meeting
July 1990

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Minutes of the Environmental Protection Commission Meeting

July 16, 1990

Wallace State Office Building, Des Moines, Iowa

TABLE OF CONTENTS

JULY 1990 COMMISSION MEETING	E90Jul-1
MEMBERS PRESENT	E90Jul-1
ADOPTION OF AGENDA	E90Jul-1
ADOPTION OF MINUTES	E90Jul-1
DIRECTOR'S REPORT	E90Jul-1
MONTHLY REPORTS	E90Jul-2
ATTORNEY GENERAL OFFICE REPORT	E90Jul-16
CLOSED SESSION - JOHN SARCONI	E90Jul-16
APPOINTMENT - ED KISTENMACHER (Item #8)	E90Jul-16
PUBLIC PARTICIPATION	E90Jul-18
PROPOSED RULE--CHAPTER 61 WATER QUALITY STANDARDS:	
STREAM USE DESIGNATIONS	E90Jul-18
FINAL RULE--CHAPTER 23, EMISSION STANDARDS FOR	
CONTAMINANTS (OPEN BURNING)	E90Jul-19
FINAL RULE--CHAPTER 135, UST CLEANUP STANDARDS . .	E90Jul-27
FINAL RULE--CHAPTERS 100 AND 102, LANDFILL OPERATOR	
AND INCINERATOR OPERATOR CERTIFICATION	E90Jul-40
NOTICE OF INTENDED ACTION--CHAPTER 60, DEFINITIONS	
AND CHAPTER 62, FEDERAL EFFLUENT AND PRETREATMENT	
STANDARDS	E90Jul-55
EQUIPMENT ACQUISITION FOR AIR PROGRAM	E90Jul-57
NONPOINT POLLUTION CONTROL PROJECT CONTRACTS . . .	E90Jul-59

AWARD CONTRACT OF UNDERGROUND STORAGE TANK PHASE I -

SITE ASSESSMENT	E90Jul-60
BUDGET, FY91, FY92, AND FY93	E90Jul-99
LEGISLATION REPORT	E90Jul-127
FINANCIAL STATUS REPORT	E90Jul-130
LANDFILL ALTERNATIVE GRANT APPLICATIONS	E90Jul-134
REFERRALS TO THE ATTORNEY GENERAL	E90Jul-147
PROPOSED CONTESTED CASE DECISION--VICTOR CARLSON	E90Jul-148
PROPOSED CONTESTED CASE DECISION--IBP, inc.	E90Jul-148
GROUNDWATER CLEANUP GUIDELINES	E90Jul-149
DISCUSSION ON WETLANDS ISSUES	E90Jul-152
AL FARRIS - WETLANDS	E90Jul-152
LYLE ASELL - WETLANDS	E90Jul-153
GENERAL DISCUSSION ITEMS	E90Jul-154
DAN FRIEBERG	E90Jul-154
NEXT MEETING DATES	E90Jul-154
ADJOURNMENT	E90Jul-155
INDEX	E90Jul-157

JULY 1990 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:30 a.m. on July 16, 1990.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prah, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

ADOPTION OF AGENDA

The following item was added to the agenda:

Item 18-C Proposed Contested Case Decision--IBP, inc. (later changed to Item 19-A)

Motion was made by Gary Priebe to add the IBP, inc. Proposed Contested Case Decision to the agenda. Seconded by Margaret Prah. Motion carried unanimously.

Motion was made by Rozanne King to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by William Ehm to approve the minutes of June 18-19, 1990 as presented. Seconded by Margaret Prah. Motion carried unanimously.

DIRECTOR'S REPORT

Larry Wilson, Director, reported on the REAP Congress held at the Capitol last Saturday. He noted that 83 of the 85 delegates were present. The entire effort went very well, it was a very positive and productive meeting. There were no recommendations for any major changes in the REAP law. The delegates decided to let the REAP law work and come back at the next Congress in 1992

and evaluate what changes, if any, need to be made. Recommendations were made for a number of minor changes. The department will report back to the delegates every six months on the progress being made with the recommendations.

Director Wilson stated that he was impressed at how well the Congress went. He added that it is a real tribute to those involved as it turned out to be a good, positive meeting.

Five volunteers from the Congress were selected to work with department staff on a report to be submitted to the governor, legislature and the NRC commission.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports shown on the following 13 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
July 1, 1990

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Controlling Air Pollution	5/21/90	6/13/90	7/10/90	7/11/90 7/12/90	*8/20/90	*8/20/90	*9/19/90	*10/24/90
2. Ch. 23 - Open Burning/Trees and Tree Trimmings	3/19/90	4/18/90	5/09/90	5/22/90 5/23/90 5/24/90	7/16/90	*7/16/90	*8/08/90	*9/12/90
3. Ch. 39 - Requirements for Properly Plugging Abandoned Wells	6/18/90	7/11/90	*8/ /90	*7/31/90	*9/17/90	*9/17/90	*10/17/90	*11/21/90
4. Ch. 40, 41 & 43 - Water Supply Surface Water Filtration	5/21/90	6/13/90	7/10/90	7/09/90 7/10/90 7/11/90 7/12/90	*8/20/90	*8/20/90	*9/19/90	*10/24/90
5. Ch. 60 & 62 - Definitions, Federal Effluent and Pretreatment Standards	7/16/90	*8/08/90	*9/ /90	*9/04/90	*10/15/90	*10/15/90	*11/14/90	*12/19/90
6. Ch. 61 - Water Quality Standards - Human Health Criteria	6/18/90	7/11/90	*8/ /90	*8/01/90 *8/02/90 *8/07/90	*9/17/90	*9/17/90	*10/17/90	*11/21/90
7. Ch. 61 - Water Body Classifications	5/21/90	6/13/90	7/10/90	7/09/90 7/10/90	*8/20/90	*8/20/90	*9/19/90	*10/21/90
8. Ch. 61 - Water Body Use Designations	*8/20/90	*9/ /90	*10/ /90	*10/ /90	*11/ /90	*11/ /90	*12/ /90	*1/ /91
9. Ch. 69 & 121 - Land Application of Municipal Sludge and Other Wastes	5/21/90	6/13/90	7/10/90	7/09/90 7/10/90 7/11/90	*8/20/90	*8/20/90	*9/19/90	*10/24/90
10. Ch. 100, 102 - Solid Waste Operator Certification	4/16/90	5/16/90	6/08/90	6/5-7/90 6/11-12/90	7/16/90	*7/16/90	*8/08/90	*9/12/90
11. Ch. 100, 104, 105 - Compost and Yard Waste	4/16/90	5/16/90	6/08/90	6/5-7/90 6/11-12/90	*8/20/90	*8/20/90	*9/17/90	*10/24/90
12. Ch. 109 - Landfill Alternative Grants	*8/20/90	*9/17/90	*10/ /90	*10/ /90	*11/19/90	*11/19/90	*12/12/90	*1/16/91
13. Ch. 121 - Land Treatment of Petroleum Contaminated Soils	4/16/90	5/16/90	6/08/90	6/05/90 6/06/90 6/07/90 6/11/90 6/12/90	*8/20/90	*8/20/90	*9/17/90	*10/24/90
14. Ch. 121 - Land Application of Sludge	*8/20/90	*9/17/90	*10/ /90	*10/ /90	*11/19/90	*11/19/90	*12/12/90	*1/16/91
15. Ch. 135 - LUST Cleanup	2/19/90	3/21/90	4/12/90	4/10/90 4/12/90 4/13/90	7/16/90	*7/16/90	*8/08/90	*9/12/90
16. Ch. 209 - Grants for Solid Waste Demonstration Projects	5/21/90	6/13/90	7/10/90	7/05/90	*8/20/90	*8/20/90	*9/19/90	*10/24/90

*Projected

July 1990

Environmental Protection Commission Minutes

MONTHLY VARIANCE REPORT						
Month: June, 1990						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Grinnell Feed & Grain	Air Quality		Structures	Denied	06/04/90

TOPIC: Report of Hazardous Conditions

During the period June 1, 1990 through June 30, 1990, reports of 121 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
06/12/90 MILLS	On June 11, 1990, a shuttle tank slid out of the back of a hoist and ruptured in Pacific Junction, Iowa, causing about 1,000 gallons of 28% nitrogen fertilizer to spill onto the ground.	Farm Service 1020 S. 8th St. Council Bluffs, Iowa 51501	About 300 gallons of product were recovered. Two truckloads of soil were excavated and stored in a shed until the material could be applied on land at normal rates.
06/26/90 BLACK HAWK	Product was being transferred from a transport truck to a railcar at 2815 WCF & N Drive in Waterloo, Iowa on June 26, 1990, when a four-inch line ruptured and released about 35,000 lbs. of ammonia. 27 people were sent to the hospital for treatment.	J.B. Kelly Co. P.O. Box 126 Stanwood, Iowa 52327	A 20-square block area was evacuated. Fog lines were used to disperse the vapors and colorimetric tubes were used to monitor concentrations until all the material dissipated.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1989

Month	Total # of Incidents	<u>Substance Type</u>					<u>Mode</u>			
		Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
June	121(68)	47(28)	27(15)	47(25)	79(42)	2(1)	27(19)	1(0)	3(0)	9(6)

Total # of Incidents Per
Field Office
This Period

01	02	03	04	05	06
22	19	12	10	31	27

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of June 1, 1990 through June 30, 1990, the following number of releases from underground storage tanks were identified.

139 (40)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1989.

July 1990

Environmental Protection Commission Minutes

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Winterset, City of (5)	Wastewater	Prohibited Discharge	Order/Penalty	6/01/90
Bluffton Store, Decorah (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty	6/01/90
Woodbury Central School, Climbing Hill (3)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	6/01/90
Amoco Oil Company, Des Moines (5)	Underground Tank	Remedial Action	Order/Penalty	6/14/90
Chicago and Northwestern Transportation Co.; Steve Carroll; Susan E. Carrol; Tracy Carroll Richardson; Ronald Carroll, Jefferson County (6)	Natural Resources	Miscellaneous - Log jam.	Order	6/15/90
Harvey Drewelow/Hanson Tire, New Hampton (1)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to AG	6/19/90
63-180 Truckstop (Moore Oil) Malcom (5)	Wastewater	Monitoring Reporting	Referred to AG	6/19/90
Pete's Sunoco/Popejoy Septic, West Des Moines (5)	Wastewater	Prohibited Discharge	Referred to AG	6/19/90
Toledo Water Supply (5)	Drinking Water	Public Notice	Amended Order	6/21/90
Batavia Water Supply (6)	Drinking Water	Public Notice	Amended Order	6/21/90
Jamaica Water Supply (4)	Drinking Water	Public Notice	Order/Penalty	6/21/90
Dawson Water Works (5)	Drinking Water	Public Notice	Order/Penalty	6/26/90
Star Inn Mobile Home Park, Dubuque (1)	Wastewater	Operational Violations	Order	6/26/90
New Vienna, City of (1)	Wastewater	Operational Violations	Order	6/26/90
Knapp Mobile Home Court No. 4, Dubuque (1)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	6/26/90
Carroll Country Club, Carroll (4)	Drinking Water	Monitoring/Reporting Bacteria	Amended Order	6/26/90
Gerald G. Pregler, Dubuque County (1)	Solid Waste	Illegal Disposal	Order/Penalty	6/26/90

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Park Village Apartments (Waverly)	WS	200	7-04-90
Irvin Lange (Alden)	AQ	1,000	7-04-90
Mason City Water Supply	WS	200	7-09-90
Jefferson Water Dept.	WS	200	7-15-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	7-15-90
Geneva Grain & Lumber, Inc. (Franklin Co.)	WW/SW	1,000	7-21-90
*Gilbert John Fjone (Swaledale)	SW	300	7-22-90
West Des Moines Water Works	WS	200	7-24-90
Olin Water Supply	WS	200	7-25-90
Winter Mobile Home Park (New Hampton)	WS	200	7-25-90
Sheldon Water Department	WS	200	7-25-90
Alta Vista Water Department	WS	200	7-25-90
Grand Vu Mobile Home Park (Tripoli)	WS	200	7-25-90
Breda Water Supply	WS	200	7-26-90
Greenfield Plaza Benefited Water Dist. (Des Moines)	WS	200	7-26-90
Brayton Water System	WS	200	7-29-90
Alden Water Supply	AQ	600	8-02-90
The Michaelson Corp. (Kossuth Co.)	AQ	1,000	8-08-90
Victor Carlson (Ft. Dodge)	WS	445	8-09-90
Bluffton Store (Decorah)	WS	200	8-22-90
Jamaica Water Supply	UT	1,000	-----
Amoco Oil Company (Des Moines)	WS	260	-----
Knapp Mobile Home Court No. 4 (Dubuque)	WS	200	-----
Dawson Water Works	SW	1,000	-----
Gerald G. Pregler (Dubuque Co.)			

*On Payment Schedule

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Richard Kleindolph (Muscatine)	SW	500	8-17-89
Robert Fisch (Manchester)	AQ	600	9-01-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Stringtown Country Cafe (Lenox)	WS	200	2-01-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	1,000	3-05-90
East Side Acres (Merville)	WS	200	12-26-89
East Side Acres (Merville)	WS	600	4-01-90

The following administrative penalties have been appealed:

July 199

NAME/LOCATION	PROGRAM	AMOUNT	notes
AMOCO Oil Co. (Des Moines)	UT	1,000	
Iowa City Regency MHP	WW	1,000	
Thomas E. Lennon (Barnum)	FP	700	
Great Rivers Coop (Atavia)	HC	1,000	
1st Iowa State Bank (Albia)	SW	1,000	
Cloyd Poland (Decatur)	FP	800	
City of Marcus	WS	1,000	
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000	
IBP, inc. (Columbus Junction)	WW	600	
Fred's 66 (Davenport)	HC	1,000	
King's Terrace Mobile Home Court (Ames)	WW	1,000	
King's Terrace Mobile Home Court (Ames)	WS	315	
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700	
Amoco Oil Co. (West Des Moines)	UT	1,000	
Circle Hill Farms, Ltd. (Ellsworth)	SW	600	
Cozy Cafe (Lucas)	WS	500	
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000	
Manson Water Supply	WS	500	
Ruth Ann Coe (Mason City)	AQ/SW	1,000	
Joe Villinger (West Point)	SW	500	
Midwest Mining, Inc. (Harrison Co.)	FP	800	
Holiday Lake Water System Ltd. (Brooklyn)	WS	700	
Rasch Construction, Inc. (Ft. Dodge)	AQ	1,000	
American Meat Protein Corp. (Lytton)	WW	1,000	
Fred Calabro (Pottawattamie Co.)	SW	1,000	
Lytton, City of	WW	1,000	
Gerald Reimer (Clayton County)	SW	600	
Louisa Courts (Muscatine)	WS	400	
Robert E. Zezulka (Allamakee Co.)	SW	1,000	
Orchard, City of	WW	1,000	
Harcourt Water Supply	WS	500	
Sioux City, City of	WW	1,000	
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000	
Vern Starling (Boone Co.)	SW	1,000	
Webster Co. Solid Waste Comm. (Webster Co.)	SW/AQ	1,000	
Des Moines, City of	HC	1,000	
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000	
Van Dusen Airport Services (Des Moines)	HC	1,000	
Des Moines, City of	WW	1,000	
Troy Mills Dam Assn. (Troy Mills)	FP	300	
Maple Crest Motel and MHP (Mason City)	WS	350	
Winterset, City of	WW	1,000	
Carroll Municipal Water Supply	WS	200	

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Nozey Habhab/John F. Constable (Ft. Dodge)	AQ	1,125
R. J. Kool, Co. (Cedar Rapids)	SW	600
Farmegg Products (Humboldt)	WS	215
Oberheus Restaurant (Waverly)	WS	330
Van Diest Supply Co. (Webster City)	AQ	1,000
College Springs Water Supply	WS	200
North Liberty Water, Inc. (Kalona)	WS	120
Meadow Lane Mobile Home Park (Denver)	WS	200
Woodbury Central School (Climbing Hill)	WS	50
Stockport Water Supply	WS	130
Merle (Toby) Buchan (Perry)		
*James Morrow d/b/a Morrow Sawmill (Wayland)	AQ/SW	100
(Paid in Full)		
*Gilbert John Fjone (Swaledale)	SW	50
Timber Lake Estates (Swisher)	WS	100
Hilltop Mobile Home Park (Iowa City)	WS	200

TOTAL \$4,420

The \$1,000 penalty assessed Paul Kloberdanz d/b/a The Mart was vacated by the Administrative Law Judge.

The \$200 penalty assessed Toledo Water Supply was rescinded.

The \$200 penalty assessed Batavia Water Supply was rescinded.

E90Jul-8

The \$215 penalty assessed Carroll Country Club was rescinded.

Environmental Protection Commission Minutes

July 1990

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS July, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Habhab, Mozay et.al., Fort Dodge, (2)	Updated	Air Quality	Open Burning	Order/Penalty	Referred Hearing Set Judgment Entered Penalty Paid	01/17/90 05/07/90 05/17/90 06/04/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred	11/20/89
Iben, Fred Monticello (1)		Solid Waste	Open Dumping	Order	Referred Petition Filed	11/20/89 04/20/90
Jorgenson, Harris (2)		Air Quality	Operation Without Permit	Referred to Attorney General	Referred	04/16/90
Richard Kleindolph Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed	10/24/89 04/06/90
Garry Kollbaum East Side Acres Merville	Updated	Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	05/21/90 07/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 02/07/90 04/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Lucas-Monroe County Sanitary Landfill, Chariton, City of		Solid Waste	Operation Violations	Referred to Attorney General	Referred	05/21/90
Mathern, Larry (Larry's DX) Ralph Beck, Walker Oil Co. (5)	Updated	Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	02/20/90 07/02/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Mercy Hospital Medical Center (5)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	04/16/90
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred	04/16/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/11/89
Moser, Stan		Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed Trial Set Court Order	07/19/89 09/12/89 03/15/90 01/24/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Consent Decree (\$5,000) Referred	05/30/90 04/16/90
Pete's Sunoco/ Popejoy Septic West Des Moines (5)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	06/19/90
Pruess v. IDNR	Updated	Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss	04/24/90 04/30/90 05/14/90 05/15/90 05/25/90 06/18/90
Regional Environmental Improvement Commission in Iowa County (6)		Solid Waste	Operational Violations	Referred to Attorney General	Referred	01/17/90
Sani-Mash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	08/23/89
Schaap, Darlo Sioux Center (3)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed	02/20/90 06/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	09/20/89
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	09/20/89

E90Jul-9

July 1990

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
July, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred	12/16/82
					EPA suit filed	02/26/87
					State intervention	03/05/87
					Motion to dismiss granted/denied	02/26/88
					Filed interlocutory appeal	03/11/88
Algona, City of (2)	Updated	Wastewater	Municipal Improvement Plan	Order	Decision in favor of govt.	04/04/89
					Referred	03/20/90
					Petition Filed	06/25/90
William L. Bown Marshalltown (5)		Solid Waste	Open Burning	Order/Penalty	Consent Decree	06/26/90
					Referred	11/20/89
Bozarth and Bell, Inc. Davenport (6)	Updated	Solid Waste	Open Dumping	Order	Petition Filed	03/03/90
					Referred	02/20/87
					Default Judgment \$7500	06/22/87
					Second Lawsuit Filed	08/07/88
					Consent Decree	08/23/88
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Filed New Case	11/01/88
					Hearing Set	08/16/90
Carolyn, Don & Hanson Tire Service, Cresco (1)		Solid Waste Air Quality	Open Dumping Open Burning	Referred to Attorney General	Referred	05/21/90
					Referred	02/20/90
CARP vs. DNR		Wastewater	IBP Permit	Amended Permit	Suit Filed	05/20/88
					Dismissed	01/01/90
					Order Granting Reinstatement	03/27/90
Clear Lake Sanitary District (2)		Wastewater	Compliance Schedule	Referred to Attorney General	Stay Request Withdrawn	04/13/90
					Referred	04/16/90
Cerro Gordo County Area Landfill Agency (2)	Updated	Solid Waste	Cover Violations	Referred to Attorney General	Referred	04/16/90
					Petition Filed	06/25/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	09/20/89
					Referred	06/21/89
Clinton Pellet Co. Clinton (6)		Solid Waste	Open Dumping	Referred to Attorney General	Suit Filed	11/09/89
					Default Judgment	04/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred	08/17/88
					Hunter Referred	02/ /90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Site Assessment	04/20/90
					DNR Review	08/17/88
					Referred	06/22/88
					Suit Filed	08/11/88
					Default Judgment	04/21/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Filed Motion to Deny Default	06/14/89
					Motion Overruled	10/04/89
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred	04/16/90
					Referred	03/20/90
Don Ervin, Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred	04/16/90
					Motion for Summary Judgment	06/02/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)	New	AQ/SW	Open Burning Illegal Disposal	Referred to Attorney General	Hearing Held	07/02/90
					Referred	06/19/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitation Operation Violation	Order	Referred	02/20/90
					Referred	12/11/89
Gianetta, Dominic d/b/a Fred's 66, Davenport (6)	Updated	Underground Tank	Remedial Action	Order/Penalty	Petition Filed	07/02/90
					Referred	06/21/89
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Bankruptcy Claim Filed	07/24/89
					Referred	10/24/89
Robert Fisch Manchester (1)		Air Quality	Open Burning	Order/Penalty	Motion for Summary Judgment	12/05/89
					Judgment for \$600	02/27/90
Gilbert Fjone Swaileale (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
					Payment Schedule	06/ /90

E90Jul-10

Environmental Protection Commission Minutes

July 1990

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS July, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Siouxland Quality Meat Co., Inc. Sioux City (3)	Updated	Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	02/20/90 07/02/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set	09/20/89 10/17/89 10/16/90
Stringtown Country Cafe, Lenox (4)		Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	Referred	03/20/90
Timber Lake Estates, Swisher (6)	Updated	Drinking Water	Monitoring/Reporting	Order/Penalty	Referred Penalty Paid	02/20/90 06/27/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	06/21/89
Turner, Ken Ft. Madison (6)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed Trial Conference Consent Decree	06/21/89 09/13/89 05/07/90 06/12/90
Walterman Implement, Inc. (2)	Updated	Underground Tank	Failure to Register	Referred to Attorney General	Referred Consent Decree Penalty Paid (1,000)	02/20/90 05/29/90 06/14/90
Wellendorf Trust and Lamont Wellendorf, Algona (2)		Air Quality Solid Waste	Open Burning Open Dumping	Order/Penalty	Referred	03/20/90
Wright County Area Landfill Authority (2)		Solid Waste	Cover Violations	Order/Penalty	Referred	03/20/90
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed	12/18/84 07/12/85 10/85
					Trial Held Judgment for Department Court of Appeals Affirmed Judgment Further Review Denied	6/16/87 8/18/87 11/29/88 02/06/89
63-180 Truckstop (Moore Oil) Malcom (5)	New	Wastewater	Monitoring/Reporting	Referred to Attorney General	Referred	06/19/90

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES JULY 1, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	AQ	Landa	Settled.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Stipulation filed, briefs due 6/22/90.

E90Jul-11

July 1990

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
JULY 1, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Compliance actions completed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase II completed. Report submitted.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Appealed to Supreme Court.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Compliance achieved. Settlement proposed.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued/settlement discussions.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Compliance initiated/plans submitted/reviewed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Compliance initiated/plans submitted/reviewed.
10-03-88	ISP, Columbus Junction	Administrative Order	WW	Clark	Hearing held 4/25/90; Briefs filed.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Negotiating before filing.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Stipulation filed. Briefs due 7/15/90.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.

Environmental Protection Commission Minutes

July 1990

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
July 1, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Proposed decision 4/11/90. EPC remand to DIA.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Jay Winders	Permit Denial	FP	Clark	Settlement proposed.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Order to be amended.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Hearing held. Briefs filed. Reply briefs filed.
7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Settlement pending.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Const. permit applic. under review by WS.
7-26-89	Midland Brick	Administrative Order	AQ	Landa	Compliance initiated.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Settlement pending.
9-09-89	Monsanto	Site Registry	HC	Landa	Settled.
10-12-89	Electro-Coatings, Inc.	Administrative Order	HC	Landa	Settlement proposed.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-01-89	Sam Levine/Morris Levine	Site Registry	HC	Landa	Notice withdrawn.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-15-89	Alcoa	Site Registry	HC	Landa	Hearing continued.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance initiated.

E90Jul-13

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION

CONTESTED CASES
July 1, 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
11-27-89	Manson, City of	Administrative Order	WS	Hansen	Negotiating before filing.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing set for 7/15/90.
12-21-89	Robert Coppinger and Velma Nehman	Flood Plain Permit Denial	FP	Clark	Proposed decision 5/17/90. Appealed.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-03-90	Victor Carlson	Flood Plain Permit Administrative Order	AQ	Clark	Proposed decision 6/08/90.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Sent to DIA.
1-10-90	Ruth Ann Coe	Administrative Order	AQ/SW	Kennedy	EPC affirmed decision.
1-18-90	Midwest Fly Ash and Materials	Permit Variance Denial	SW	Landa	Hearing set for 8/7/90.
2-07-90	Jerry Jones	401 Denial	WW	Murphy	Hearing set for 8/3/90.
2-13-90	Kenneth M. Rasch d/b/a Rasch Construction, Inc.	Administrative Order	AQ	Kennedy	Negotiating before filing.
2-15-90	Holiday Lake Water System, Ltd.	Administrative Order	WS	Hansen	Submittal by facility under review by WS.
2-15-90	Fred Calabro	Administrative Order	SW	Kennedy	Hearing continued.
2-19-90	American Meat Protein Corp. and Lytton, City of	Administrative Order	WW	Hansen	Hearing set for 8/1-2/90.
3-05-90	Gerald Reimer	Administrative Order	SW	Kennedy	Negotiating before filing.
3-05-90	College Springs, City of	Administrative Order	WS	Hansen	Settled.
3-12-90	Louisa Courts	Administrative Order	WS	Hansen	Hearing held 6/15/90.
3-14-90	Robert E. Zezulka	Administrative Order	SW	Kennedy	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Hearing set for 7/18/90.
3-22-90	Arcadian Corporation	Permit Conditions	WW	Hansen	Hearing set for 8/31/90.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Sent to DIA.

E90Jul-14

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
July 1, 1990

Environment

July 1990

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-26-90	Loretta June Novak and Mr. and Mrs. Robert Booth, Jr.	Administrative Order	UT	Landa	Hearing continued.
3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Negotiating before filing.
4-18-90	Harcourt, City of	Administrative Order	WS	Hansen	Sent to DIA.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
4-26-90	Donald Ray Maasdam	Administrative Order	SW	Kennedy	Sent to DIA.
5-07-90	W.G. Block Co./Hoffman Silo Site	Site Registry	HW	Landa	Hearing set for 8/01/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing set for 8/13/90.
5-08-90	Webster Co. SW Commission	Administrative Order	SW/AQ	Kennedy	Sent to DIA.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing set for 8/10/90.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing set for 7/27/90.
5-09-90	Joe & Virginia Koester/ Donn & Donna Patience	Water Use Permit	WR	Clark	Hearing set for 8/06/90.
5-11-90	Carl A. Burkhardt	Administrative Order	AQ/SW	Kennedy	Hearing set for 7/16/90.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing set for 7/24/90.
5-15-90	Des Moines, City of	Administrative Order	WW	Hansen	Sent to DIA.
5-18-90	Latimer, City of	Open Burning Variance	AQ	Landa	Sent to DIA.
5-23-90	Solvay Animal Health, Inc.	NPDES Permit Conditions	WW	Hansen	Hearing set for 8/30/90.
5-24-90	Carroll, City of	Administrative Order	WS	Hansen	Negotiating before filing.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Negotiating before filing.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Conditions	WW	Hansen	New case.
6-18-90	Anes, City of	NPDES Permit Conditions	WW	Hansen	New case.
6-20-90	Des Moines, City of	NPDES Permit Conditions	WW	Hansen	New case.
6-22-90	Winterset, City of	Administrative Order	WW	Hansen	Sent to DIA.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.

Mr. Stokes displayed an overhead chart showing, by year, the number of underground storage tank leaks from 1980 to 1990. He pointed out that the department has already received more reports of UST leaks in 1990 than for all of 1989.

Discussion followed regarding various items in the monthly reports.

This was an informational item; no action was required.

ATTORNEY GENERAL OFFICE REPORT

John Sarcone, Attorney General's Office, advised the Commission that they may want to go into closed session if they want to discuss specific cases, as a number of the cases are either in litigation or will be.

CLOSED SESSION - JOHN SARCONE

Mike Murphy advised that Iowa Code Section 21.5 (1)c allows for closed session to discuss strategy with counsel in matters that are, or will be, in litigation.

Motion was made by Nancy Lee Siebenmann to go into closed session pursuant to Iowa Code Section 21.5 (1)c. Seconded by Rozanne King.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Yeager, Earley, Ehm, Hartsuck, King, Prahl, Priebe, Siebenmann, and Mohr. Motion carried on a vote of 9-Aye.

Motion was made by Nancy Lee Siebenmann to adjourn closed session. Seconded by William Ehm.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Earley, Ehm, Hartsuck, King, Prahl, Priebe, Siebenmann, Yeager, and Mohr. Motion carried on a vote of 9-Aye.

APPOINTMENT - ED KISTENMACHER (Item #8)

Mike Earley stated that the company for which he works has a case pending with the DNR on underground storage tanks; therefore, he would like to disqualify himself from discussion and a decision on this item.

Ed Kistenmacher, Managing Director, Petroleum Marketers of Iowa, stated that he represents small distributors. He related that they have 1,987 members who are locally owned petroleum distributors or retailers. It is estimated that their members own over 12,000 USTs. Mr. Kistenmacher complimented the DNR staff in working with the industry in explaining the procedures on underground tank removals and replacement, cleanup and reporting. He stated that industry is supportive of the rules except in three areas and they would like to ask the Commission to delay action on those areas of the rule. Mr. Kistenmacher introduced Darrell Eaton and noted that he will address the Commission in place of Bernie Cooper. Mr. Kistenmacher stated that they would like to see the following items delayed so they can work with staff on a solution: 1) In 135.8(4)"a", it requires that soil samples be taken prior to overexcavation and it is redundant to do this when people in the business can look at the soil and smell it and tell if the site is contaminated. He added that they would like to work with staff to further refine that requirement; 2) In 135.8(4)"c", the requirement for one soil sample to be taken for every 100 square feet of the base and sides of excavation may be overkill. He related that the equipment people doing this kind of work say this could be 15 to 20 samples for an excavation, at a cost of \$120 to \$150 each. When the equipment people remove the tanks they use hand-held devices to test the sides of the tank and the bottom to see if they have gone far enough in removing the contaminated soil. He stated that to require a tank owner to take 10-15 samples for every tank excavation may be an over requirement and they would ask the Commission to delay that part of the rule; 3) In 135.8(4)"d", a water sample from the first saturated groundwater zone is required for a tank removal or closure. Mr. Kistenmacher stated that in some cases this could be 70, 80 or 100 feet down and they would like to work with the department to establish a limit on how far to dig for groundwater.

William Ehm asked if industry has a specific recommendation in regards to 135.8(4)"c".

Darrell Eaton of the petroleum equipment industry stated that the rules already require a certain number of samples be taken off the bottom of the tank excavation. He added that testing on all of the sides in an overexcavation area is an overkill, and it is his recommendation to analyze where the contamination is located on the overexcavation, then if additional samples are required take them only from the down-gradient side of the excavation. He stated that in his opinion it is not necessary to take soil samples off a side that is not contaminated.

Discussion followed in regards to the proposed requirements for digging to the groundwater zone.

Mr. Kistenmacher stated that industry would like to have an arbitrary 20 feet maximum below the excavation.

Chairperson Mohr thanked Mr. Kistenmacher and Mr. Eaton for their comments.

PUBLIC PARTICIPATION

Don Balvanz, Hardin County Supervisor, addressed the Commission expressing his concerns with the rules in regards to lumber mixed with rubble and asked that they be allowed to put it in gullies and cover it with dirt. He added that they do not want to put old buildings in their landfill because of the tremendous cost. Mr. Balvanz stated that asphalt mixed with concrete is not allowed along stream banks and he asked the Commission to consider a rule change to allow it to be put on streambanks to stop erosion.

PROPOSED RULE--CHAPTER 61 WATER QUALITY STANDARDS: STREAM USE DESIGNATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The recently enacted numerical and narrative criteria of the water quality standards include new aquatic use protection designations for Iowa's waterbodies. As part of the continued staff activity to properly determine and assign the appropriate use designations to all the individual streams, lakes and wetlands, an additional set of stream segments warranting designation has been prepared. The list of proposed use designations for each stream will be handed out at the meeting. Included will be:

- * Streams previously designated as B(warmwater) are proposed to be designated as B(significant resource warmwater).

- * Streams previously designated as B(warmwater) are proposed to be designated as B(limited resource warmwater).

- * Streams previously designated as General Classification are proposed to be designated as B(limited resource warmwater).

At least four public hearings will be scheduled to receive comments on the proposed use designations as these segments are from across the state.

Mr. Stokes distributed copies of the proposed rule along with a map showing changes in stream use designations. He gave a detailed explanation of same.

Discussion followed.

This was an informational item; no action was required.

FINAL RULE--CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (OPEN BURNING)

Allan Stokes, Division Administrator, Environmental Protection Division presented the following item.

At the March Environmental Protection Commission meeting approval was granted to take the attached rules to public hearing.

New subrule 23.2(3) paragraph "b" will allow the open burning of trees and tree trimmings not originating on the premises and subrule 23.2(3) "i" will allow the open burning of agricultural structures outside of cities and towns.

Hearings on the proposed rules were held on May 22, 23, and 24th. Oral and written comments were received. A responsiveness summary is attached for your information. Based on the comments changes were made to the proposed rules. The changes reduce the required separation distance from 1/2 to 1/4 mile, define agricultural structures, and define in detail the area in Mason City where this exemption is unavailable.

The Commission is asked to approve for adoption the attached final rules.

(Rules shown on the following 7 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
ADOPTED RULE

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission adopts amendments to Chapter 23, "Emission Standards for Contaminants" Iowa Administrative Code.

In greater detail the following amendments are adopted:

Item 1 amends paragraph 23.2(3)"b" by replacing it in its entirety with language that exempts from the open burning prohibition trees and tree trimmings not originating on the premises provided the burning is controlled and operated by a local governmental entity. The current paragraph 23.2(3)"b" exempts the open burning of diseased trees. Diseased trees would still be exempt from the open burning prohibition under the revised 23.2(3)"b."

Item 2 amends subrule 23.2(3) by adding paragraph "i" to exempt the open burning of agricultural structures in rural areas.

Item 3 amends subrule 23.2(4) by including the citation in Item 1 above in the list of exemptions which are unavailable in certain areas of Iowa.

Proposed amendments were published under Notice of Intended Action as ARC 816A in the Iowa Administrative Bulletin on April 18, 1990. Comments received during the public comment period have been addressed and minor changes have been made in the adopted rule. The changes reduce the required separation distance of burn sites and inhabited buildings from 1/2 to 1/4 mile, define agricultural structures, and define, in detail, the area in Mason City where this exemption is unavailable.

These rules are intended to implement Iowa Code section 455B.133.

These rules will be effective on September 12, 1990.

The following amendments are adopted:

ITEM 1. Rescind Subrule 23.2(3), paragraph "b", and insert in lieu thereof the following:

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building. However, when the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

This exemption shall not apply within the area classified as the PM10 (inhaleable) particulate Group II area of Mason City. This Group II area is described as follows: The area in Cerro Gordo County, Iowa in Lincoln Township including Sections 13, 24 and 25; in Lime Creek Township including Sections 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34 and 35; in Mason Township the W 1/2 of Section 1, Sections 2, 3, 4, 5, 8, 9, the N 1/2 of Section 11, the NW 1/4 of Section 12, the N 1/2 of 16, the N 1/2 of Section 17 and the portions of Sections 10 and 15 north and west of the line from U.S. Highway 18 south on Kentucky Avenue to 9th Street SE; thence west on 9th Street SE to the Minneapolis and St. Louis railroad tracks; thence south on Minneapolis and St. Louis railroad tracks to 19th Street SE; thence west on 19th Street SE to the section line between Sections 15 and 16.

ITEM 2. Subrule 23.2(3) is amended by adding the following paragraph:

i. Agricultural structures. The open burning of agricultural structures outside of cities or towns, provided the open burning occurs on the premises, all chemicals and asphalt shingles are removed, burning is conducted only when weather conditions are favorable with respect to surrounding property, and permission from the local fire chief is secured in advance of the burning. Rubber tires shall not be used to ignite agricultural structures.

For the purposes of this subrule, "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations.

ITEM 3. Subrule 23.2(4) is amended as follows:

23.2(4) Unavailability of exemptions in certain areas. Notwithstanding 23.2(2) and 23.2(3) "b," "d" and "f," no person shall allow, cause or permit the open burning of trees or tree trimmings, residential or landscape waste in the cities of: Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill.

Date

Larry J. Wilson, Director

(A:EP23C.MIN/183-90/sc)

Responsiveness Summary for Proposed
Revisions To The Open Burning Rules
Rule 567--23.2 IAC

Public hearings were held on May 22, 23, and 24, 1990 regarding the proposed revisions to the open burning rules. Oral and written comments were received. The comments and recommended responses are summarized as follows:

Commenter: Darrell Weems, Iowa Farm Bureau Federation

Comment #1

The Iowa Farm Bureau Federation supports the proposed addition of a new paragraph "i" to the exemptions subrule 23.2(3) of the open burning rules. Instead of obtaining "permission" from the local fire chief, we would suggest "notification" would be a better, less controversial word. We would also ask that the rule also specify how much time "in advance".

Discussion: Requiring that permission be obtained from the local fire chief allows for input by the local government prior to commencing an activity over which they have responsibility regarding protecting the public safety. Notification would not allow the local fire department the option of preventing the open burning in cases when, in their best professional judgement, the practice would jeopardize public safety. The amount of time prior to burning that permission must be granted by the local fire chief is best determined by the fire chief himself. The fire chief can evaluate the need for a waiting period before burning commences.

Recommendation: No changes in the proposed rule are recommended to address this comment.

Comment #2

We would suggest that the wording be clarified in paragraph "h" subrule 23.2(3). We would suggest that the word "corn" be deleted from the title line "paper or plastic pesticide containers and seed corn bags." We believe that the burning exemption for seed corn bags was meant to address any seed bag, e.g., corn, soybeans, oats, etc.

Discussion: The comments regarding paragraph "h" are not relevant to the proposed revisions of the rule before the Commission.

Recommendation: No changes in the proposed rule are recommended to address this comment.

Comment #3

We suggest further clarification of the term "commercial agricultural structures" to prevent confusion and misinterpretation.

Discussion: The reference to and definition of "commercial agricultural structures" will be stricken from the proposed rule and the definition of the exempted structures will be made equivalent to that in recently adopted DNR solid waste rules.

Recommendation: We recommend that this exemption in the proposed rule be revised to read as follows:

i. Agricultural structures. The open burning of agricultural structures outside of cities or towns, provided the open burning occurs on the premises, all chemicals and asphalt shingles are removed, burning is conducted only when weather conditions are favorable with respect to surrounding property, and permission from the local fire chief is secured in advance of the burning. Rubber tires shall not be used to ignite agricultural structures. For the purposes of this subrule "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations.

Commenter: Robert E. Anderson, Mayor - City of Grinnell

Comment #4

The City Council of the City of Grinnell has established a position in favor of the proposed amendment to Chapter 23 "Emission Standards for Contaminants" as they pertain to exemptions from the prohibition to open burning if operated by a local governmental entity.

Discussion: None

Recommendation: Changes as recommended in response to Comments #3, 5, & 7. No changes necessary to address this comment.

Commenters: Dean Schade, League of Iowa Municipalities
Donald Dawson, Paullina City Clerk/Administrator
Steven D. Woodley, Estherville City Administrator
Thomas M. Huseman, Alta City Clerk
Margaret L. King, Mayor of Huddard

Comment #5

Several comments were received regarding the proposed 1/2 mile separation distance of the tree burning sites and the nearest inhabited building. The commenters offered suggestions ranging from no separation distance requirement to 1/4 mile of separation. The reasons given relate to a lack of available land and the expense of setting up a tree burning site that meets the criteria in the proposed rule. These comments will be addressed as a group.

Discussion: The current rules provide for diseased tree burning sites without a separation distance requirement. Since the passing of the Dutch Elm Disease epidemic the need for disposal of "diseased" trees by burning has diminished significantly. Open burning sites currently used by communities are, many times, operated in violation of the existing rules. The 1/2 mile separation distance was proposed in order to prevent not only adverse health effects but also the nuisance associated with an on-going tree burning site. The residents of a community still have the option of landfilling or burning on the premises where the landscape waste originates as provided in the landscape waste exemption. In order to be consistent with the exemption provided for landscape waste produced by clearing and grubbing the staff recommends revising the separation distance specified in the proposed rule to 1/4 mile from any inhabited building.

Recommendation: It is recommended that the language of the proposed rule be revised to state thatthe burning site is limited to areas at least 1/4 mile from any inhabited building.

Commenter: Dean Schade, League of Iowa Municipalities

Comment #6

....why are relatively small burning sites which are used intermittently being regulated when other, more numerous and frequent sources, such as ditch burning and residential fireplaces, which produce as much, if not more, smoke and particulates not

regulated? It appears that these rules are seeking to resolve a greater problem by regulating an insignificant and infrequent source

of air contamination. We respectfully contend that these rules will provide very little impact on improving air quality, but it will carry a potentially high cost for cities that must relocate facilities.

Discussion: Past commission action chose to exempt ditch burning from the prohibition on open burning. Likewise, existing residential fireplaces as well as other forms of home heating are not regulated except for visible emissions. New federal standards are in effect which regulate new fireplace inserts and free standing woodburning stoves. The proposed rules provide an option that previously did not exist for community tree disposal. The contention of undue hardship is inappropriate for this proposal which allows, with conditions, a practice that previously was prohibited. Cities are not required to set up tree burning sites. Although our monitoring data shows impact from the use of temporary tree burning sites the proposed separation distance of 1/4 mile is felt adequate to minimize this impact.

Recommendation: Changes as recommended in response to Comments #3, 5, & 7.

Commenter: Wayne A. Kaiser, EPA Region 7, Air Planning and Development Section

Comment #7: The major concern that I have is that the rule changes not result in increased PM10 emissions in the PM10 Group II areas of Des Moines, Cedar Rapids, and Mason City. To address this I would suggest that Mason City be added to the list of cities in Rule 23.2(4) which are not allowed to open burn.

Discussion: We agree with EPA that, due to the existing air quality of the area, there should be no increase in PM10 emissions in the Mason City area. However, including Mason City along with those cities in subrule 23.2(4) which are not allowed to burn would also eliminate that city's existing options for open burning residential and landscape waste. Since the department is not monitoring violations of the PM10 ambient air quality standard at this time, additional restrictions are not warranted. It is our position that including EPA's suggested change in the proposed rule constitutes a significant revision that is beyond the scope of this rule making effort. In order to address the EPA comments and not add restrictions to the existing exemptions available to residents of Mason City we propose to add an exception to this exemption for Mason City in subrule 23.2(3)b.

Recommendation: Modify the language of the proposed 23.2(3)b by adding the following underlined phrase:

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originating on the premises provided that the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-half mile from any inhabited building. However, when the open burning of trees and tree trimmings causes air pollution as defined in section 455B.131(3) Code of Iowa, the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings. This exemption shall not apply within the area classified as the PM10 (inhaleable) particulate Group II area of Mason City. This Group II area is described as follows:

The area in Cerro Gordo County, Iowa in Lincoln Township including Sections 13, 24, & 25; in Lime Creek Township including Sections 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, & 35; in Mason Township the west 1/2 of Section 1, Sections 2, 3, 4, 5, 8, 9, the north 1/2 of Section 11, the northwest 1/4 of Section 12, the north 1/2 of Section 16, the north 1/2 of Section 17 and the portions of Sections 10 and 15 north and west of the line from U.S. Highway 18 south on Kentucky Avenue to 9th Street S.E.; thence west on 9th Street S.E. to the Minneapolis and St. Louis railroad tracks; thence south on the Minneapolis and St. Louis railroad tracks to 19th Street S.E.; thence west on 19th Street S.E. to the Section line between Sections 15 and 16.

Comment #8: It might be prudent to include a definition of "agricultural structure" in Rule 23.2(3)(i).

Discussion: A portion of our recommendation under Comment #3 is to add a definition of agricultural structure.

Recommendation: Add a definition of "agricultural structure" as recommended under Comment #3.

Mr. Stokes explained the rules and changes made as a result of public comments received.

Motion was made by Margaret Prah1 to approve Final Rule--Chapter 23, Emission Standards for Contaminants. Seconded by Gary Priebe. Motion carried unanimously.

FINAL RULE--CHAPTER 135, UST CLEANUP STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to adopt the attached amendments to Chapter 135. The amendments add a new subrule 135.7(9) establishing corrective action levels for total organic hydrocarbon (TOH) in soil, and benzene, toluene, and xylene levels in groundwater for petroleum contamination. Subrule 135.8(3) is being replaced with more detailed requirements for assessing a tank site for contamination when closing a tank system. New subrule 135.8(4) establishes requirements that must be followed when overexcavating contaminated soils at tank closure. New subrule 135.9 gives required laboratory analytical procedures that must be used when analyzing for petroleum contamination and the information that must be included in the laboratory report.

Changes have been made to the proposed rules due to the comments received and staff recommendations. The comments and a summary of the comments with departmental response are attached. Changes have been made to subrules 135.7(9) and 135.8(3).

In 135.7(9), the action level for total organic hydrocarbon in soil has been changed to 100 mg/kg. This is the action level currently in use.

Paragraph 135.8(3)"a" has been changed by reducing the parameters that must be analyzed for at UST closures to those listed with action levels in 135.7(9). This reduces the tank owners analytical costs.

Paragraphs 135.8(3)"c" and "d" have been restructured for clarity and a sentence added indicating that alternative soil sampling may be required if sands or other highly permeable soils are encountered. These soils are not accepted for soil samples now.

Paragraph 135.8(3)"g" has been modified to indicate that normal closure procedures no longer apply once contamination is found and a full site assessment must be done in accordance with existing rule 135.7. The change eliminates sampling required for tank closure but not yet completed when contamination is found. This reduces sampling and analytical costs.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the Authority of Iowa Code section 455B.474, the Environmental Protection Commission adopts amendments to Chapter 135, "Technical Standards for Underground Storage Tanks." The amendments establish corrective action levels for petroleum contamination, minimum requirements for assessment of contamination at site closures, minimum requirements for assessment of contamination after overexcavation of contaminated soils, and acceptable analytical methods for determining petroleum contamination.

Notice of Intended Action was published in the Iowa Administrative Bulletin, March 21, 1990 as ARC 760A. In response to written comments and oral comments received at three public hearings, changes have been made to the originally proposed rules in subrules 135.7(9) and 135.8(3).

In 135.7(9), the action level for total organic hydrocarbon has been changed to 100 mg/kg from 50 mg/kg. This retains the 100 mg/kg action level already in use.

Paragraph 135.8(3)"a" has been changed by reducing the parameters that must be analyzed for at underground storage tank system closures to those listed with action levels in subrule 135.7(9). This was done to reduce analytical costs for the tank owners. The time in which samples must be shipped to a qualified laboratory has been extended to 72 hours to allow more time for shipping samples collected just prior to a weekend.

Paragraphs 135.8(3)"c" and "d" have been restructured for clarity and a sentence added indicating alternative soil sampling may be required if sands or other highly permeable soils are encountered. These soils are not accepted for a soil sample.

Paragraph 135.8(3)"g" has been amended to indicate that normal closure procedures no longer apply once contamination is found and a full site assessment in accordance with rule 135.7 will be done. This was added so the tank owner would not do unnecessary sampling when more extensive assessment work would be done.

These rules will become effective September 12, 1990.

These rules are intended to implement Iowa Code section 455B.474.

Under the authority of 455B.474(1) the following amendments to Chapter 567--135(455B) are being made.

ITEM 1. Amend rule 567--135.7(455B), "Release response and corrective action for UST systems containing petroleum or hazardous substances," by adding the following new subrule.

135.7(9) Contamination corrective action levels.

The following corrective action levels apply for petroleum contamination as regulated by Chapter 135. The contaminant concentrations must be determined by laboratory analysis. Final cleanup determination is not limited to these contaminants.

	Total Organic Hydrocarbon	Benzene	Toluene	Xylene
	as the products stored			
	(TOH)			
Soil	100 mg/kg	---	---	---
Groundwater	---	5 ug/L	2,420 ug/L	12,000 ug/L

ITEM 2. Rescind subrule 567--135.8(3) and replace it with the following:

135.8(3) Assessing the site at closure or change in service.

a. Before permanent closure or a change in service is completed, owners or operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting the sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

At petroleum UST sites, the minimum parameters that must be analyzed for are:

1. Soil samples must be analyzed for total organic hydrocarbon (TOH) as the products that have been stored in the tank;

2. Groundwater samples must be analyzed for benzene, toluene and xylene with each compound reported separately.

All such samples shall be collected separately, and shipped to a qualified laboratory within 72 hours of collection. Samples shall be refrigerated and protected from freezing during shipment to the laboratory.

b. For all permanent tank closures or changes in service, at least one water sample must be taken from the first saturated groundwater zone via a monitoring well or borehole except as provided in paragraph "g." The well or borehole must be located downgradient from and as close as possible to the excavation but no further away than 20 feet.

c. For permanent closure by tank removal, the minimum number of soil samples that must be taken depends on tank size and length of product piping. Samples must be taken at a depth of approximately three feet below the base of the tank along the tank's centerline. Soil samples must also be taken at least every ten feet along product piping at a depth of approximately three feet below the piping.

If sands or other highly permeable soils are encountered, alternative sampling methods may be required.

If contamination is suspected or found in any area within the excavation (i.e. sidewall or bottom), a soil sample must be taken at that location.

The number of samples required for tanks are as follows:

Nominal Tank Capacity (gallons)	Number of Samples	Location on Centerline
1,000 or less	1	center of tank
1,001 - 8,000	2	1/3 from ends
8,001 - 30,000	3	5 feet from ends and at center of tank
30,001 - 40,000	4	5 and 15 feet from ends
40,001 and more	5	5 and 15 feet from ends and at center of tank

d. For closing a tank in place by filling with an inert solid material or for a change in service, the minimum number of soil borings required for sampling depends on the size of the tank and the length of product piping. Soil samples must be taken within five feet of the sides and ends of the tank at a depth of approximately three feet below the base of the tank at equal intervals around the tank. Soil samples must also be taken at least every ten feet along product piping at a depth of approximately three feet below the

pipng. If sands or other highly pemeable soils are encountered, alternative sampling methods may be required.

The minimum number of soil borings and samples required are as follows:

Nominal Tank Capacity (gallons)	Number of Samples	Location of samples
6,000 or less	4	1 each end and each side
6,001 - 12,000	6	1 each end and 2 each side
12,001 or more	8	1 each end and 3 each side

e. A closure report must be submitted to the department within thirty (30) days of completion of soil and water sample analyses. The report must include all laboratory analytical reports, soil boring and well or borehole construction details and stratigraphic logs, and a dimensional drawing showing location and depth of all tanks, piping, sampling, and wells or boreholes, and contaminated soil encountered.

f. The requirements of this subrule are satisfied if one of the external release detection methods allowed in 135.5(4)"e" and "f" is operating in accordance with the requirements in 135.5(4) at the time of closure, and indicates no release has occurred.

g. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered during the site assesment or by any other manner, contact the department in accordance with 135.6(1). Normal closure procedures no longer apply. Owners and operators must begin corrective action in accordance with rule 135.7(455B).

Identification of free product requires immediate response in accordance with 135.7(a). If contamination appears extensive or the groundwater is known to be contaminated, a full assessment of the contamination will be required. When a full assessment is required or anticipated, collection of the required closure samples is not required. If contamination appears limited to soils, overexcavation of the contaminated soils in accordance with 135.8(4) may be allowed at the time of closure.

ITEM 3. Amend Rule 567--135.8 by adding the following new subrule 135.8(4) and renumbering the existing subrule and those that follow.

135.8(4) Overexcavation of contaminated soils at closure.

a. If contaminated soils are discovered while assessing a site at closure in accordance with 135.8(3), owners and operators may overexcavate the contaminated soils during closure. The contamination and overexcavation must be reported to the department in accordance with the requirements of 135.6(4)"a" prior to backfilling the excavation. Initial soil samples required in 135.8(3)"c" must be taken in the contaminated areas prior to overexcavation.

b. Excavated contaminated soils must be properly disposed in accordance with chapters 567--100, 101, 102, 120, and 121(455B) of the Iowa Administrative Code.

c. Soil sampling must be done following overexcavation. At a minimum, one soil sample must be taken for every 100 square feet of the base and sides of the area overexcavated. The sample locations should be equally spaced from each other. When sampling, areas still suspected of being contaminated or

previously showing contamination must be sampled. The soil samples must be analyzed in accordance with paragraph 135.8(3)"a."

d. A water sample from the first saturated groundwater zone as required in 135.8(3)"b" must be completed.

e. A report must be submitted to the department within thirty (30) days of completion of the laboratory analysis. The report must include the requirements of 135.8(3)"e" and a dimensional drawing showing the depth and area of the excavation prior to and after overexcavation. The area of contamination must be shown.

ITEM 4. Amend Chapter 567--135(455B) by adding the following new rule.

567--135.9(455B) Laboratory analytical methods for petroleum contamination of soil and water.

135.9(1) General. When having soil or water analyzed for petroleum or hazardous substances, owners and operators of UST systems must ensure appropriate and accurate analytical procedures are used. This rule provides acceptable analytical procedures for petroleum substances and required information that must be provided in all laboratory reports.

135.9(2) Laboratory Report. All laboratory reports must contain the following information:

- a. Laboratory name, address, and phone number.
- b. Medium sampled (soil, water).
- c. Client submitting sample (name, address, phone number).
- d. Sample collector (name, phone number).
- e. UST site address.
- f. Clients sample location identifier.
- g. Date sample was collected.
- h. Date sample was received at laboratory.
- i. Date sample was analyzed.
- j. Results of analyses and units of measure.
- k. Detection limits.
- l. Methods used in sample analyses (preparation method, sample detection method, and quantitative method).
- m. laboratory sample number.
- n. Analyst name.
- o. Signature of analyst's supervisor.

135.9(3) Analysis of soil and water for high volatile petroleum compounds (i.e., gasoline, benzene, toluene, xylene).

a. Sample preparation and analysis shall be by Method OA-1, "Method for Determination of Volatile Petroleum Hydrocarbons (gasoline)," revision 1/10/90, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 5030, 8000, and 8015, SW-846, "Test Methods for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-1 are available from the department.

135.9(4) Analysis of soil and water for low volatile petroleum hydrocarbon contamination (i.e., all grades of diesel fuel, fuel oil, kerosene, oil, and mineral spirits).

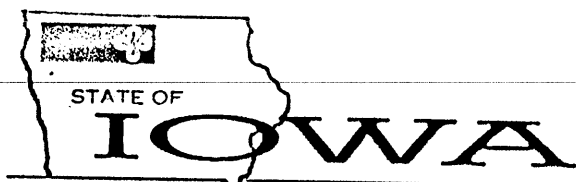
a. Sample preparation and analysis shall be Method OA-2, "Determination of Extractable Petroleum Products (and Related Low Volatility Organic

Compounds)," revision 1/10/90, University Hygienic Laboratory, Iowa City, Iowa. This method is based on U.S. EPA methods 3500, 3510, 3520, 3540, 3550, 8000, and 8100. SW-846, "Test Method for Evaluating Solid Waste," 3rd Edition. Copies of Method OA-2 are available from the department.

Date

Larry J. Wilson, Director

(A:EP135A.MIN/163-90/ms)



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LARRY J. WILSON, DIRECTOR

1

To: Record

From: Paul C. Nelson

RE: Comments on the attached proposed rule changes that rescinds then replaces subrule 135.8(3), adds new subrules 135.7(9) and 135.8(4), and adds new rule 135.9.

The department received comments from only nine people on the proposed rule changes. The comments, the notice of intended action, and the final proposed rules are attached. A summarization of the comments and the departmental response is provided for each item for which a comment or comments was received.

135.7(9) Contamination corrective action levels.

COMMENTS:

Three commentors felt the action level for total organic hydrocarbon contamination in soil should be left at 100 mg/kg for differing reasons. The fourth commentor simply suggested wording clarification.

Robb Hubbard, with the Iowa Comprehensive UST Program that administers the state's financial assistance programs, recommended that cleanups started with the target cleanup level at 100 mg/kg level be grandfathered in at that level. He felt changing the action level at this point in remediation would increase costs without any substantial impact on the environment.

Justin Connolly, Connolly Construction of Peosta, IA., felt cleaning up soil to 50 mg/kg would be too costly to achieve. His observation during tank removals had shown very slight to no odor when soils were measured at 100 mg/kg. Going to the lower level was felt to be a financial burden to tank owners and operators.

Ed Kistenmacher, Petroleum Marketers of Iowa, stated that lowering the level from 100 mg/kg to 50 mg/kg was unnecessary for the protection of human health and groundwater quality. The opinion of the consulting firm he hired was that only in extreme circumstances would elevated groundwater concentrations be encountered when soil

concentrations are less than 100 mg/kg. They pointed out that the properties of the fuel and the hydrogeology and topography of the site influence the fate and transport of the contaminants. The soil conditions they felt would be required included large soil grain size, low soil moisture, low organic content, and a shallow water table. They felt that requiring groundwater sampling eliminated the need for lowering the soil contamination action level.

Pam Kostle of the University Hygienics Laboratory suggested adding "as the product in the tank" to describe TOH in the chart that shows the action levels. She found many owners are confused on what analysis is needed when they send in their samples.

RESPONSE:

The department proposed lowering the corrective action level of total organic hydrocarbon (TOH) due to the extreme differential (a factor of approximately 4,000) between the soil and groundwater standards. Numerous sites closed using 100 mg/kg as the soil corrective action level were later found to have groundwater contamination above the benzene action level.

The department has decided to change the TOH corrective action level back to 100 mg/kg at this time. The groundwater sampling now required may reduce problems that have occurred in the past. Changing the level can be considered again if problems occur due to the higher action level.

The clarification of the definition for TOH as suggested by Pam Kostle has been added to the table listing the corrective action levels. This was already present in 135.8(3)"a".

135.8(3) Assessing the site at closure or change in service.

Paragraph 135.8(3)a

COMMENTS:

Paragraph 'a' gives general requirements for site assessment at closure. Four changes were suggested by commentors.

The rule requires samples be "submitted" to a laboratory within 48 hours of collection. Pam Kostle of the University Hygienic Laboratory thought using "shipped" would be clearer since that is the intent. Daniel Dunn of PDC Technical Services thought the intent was for sample analysis within 48 hours and suggested 10 days for analysis.

Soil samples are required to be analyzed for benzene, toluene, and xylene (BTX) as well as total organic hydrocarbon. Since there are no action levels for BTX in soil, Brent Crum of Pollution Control Systems Inc. (PCS) thought analysis for them should be eliminated as a requirement.

Mr. Dunn of PDC also suggested adding polynuclear aromatics (PNA) to the parameters that must be tested for in groundwater samples. No reason was given for the addition.

RESPONSE:

One intent of the paragraph was to ensure timely submittal of any soil or water sample to an analytical laboratory. Once the sample is at the laboratory, there is more assurance of proper handling. The intent was for samples to be shipped within 48 hours of sampling as indicated by Ms. Kostle. There was no intention to indicate that the sample be analyzed in that time frame.

The word "submitted" will be replaced with "shipped" to better clarify the intent. The number of hours to ship the sample is being changed to 72 hours to allow enough time for samples collected just prior to a weekend to be shipped.

BTX and TOH analysis has been required for both soil and groundwater samples in the past. One reason for requiring this was to ensure the product being tested for was actually gasoline or diesel. Since the extraction procedure for the two substances is different, inaccurate results had been submitted to the department. The need to continue requiring BTX is significantly reduced by the additional sampling and the specific analytical methods that will be required under the new rules. To help reduce costs to the owner and operator, the requirement for BTX analysis for soil and TOH analysis for groundwater samples is being removed from the rules. This will have the approximate effect of a 50% reduction in analytical costs per sample.

The department will not require the analysis of groundwater samples for polynuclear aromatics (PNAs) on a routine basis. This is an expensive analytical procedure for a constituent that normally would not be found in gasoline or diesel fuels at any measurable concentration. PNAs would be expected at sites with other industrial contamination. PNAs are not mobile in soil unless a solvent is present such as gasoline or diesel. Testing will only be required if PNAs are suspected to be present in the groundwater. PNAs are highly carcinogenic and a concern if present.

Paragraph 135.8(3)b - groundwater sampling

COMMENTS:

Mr. Kistenmacher of Petroleum Marketers proposed not requiring a groundwater sample if soil contamination had already been found. Further site investigation is required to determine the extent of contamination anyway.

Connolly Construction felt groundwater sampling was too costly for small businesses and should be eliminated as a requirement. The company indicated that groundwater in their eastern Iowa area was deep and expensive to drill.

Diane Joslyn with Aquadrill suggested requiring persons installing monitoring wells be certified by the National Water Well Association.

RESPONSE:

Though there are going to be situations where it may be unnecessary to take a groundwater sample, it is very hard to define without requiring subsoil investigation. In most cases, by the time a subsoil investigation is completed, a groundwater sample could be taken at a similar cost. If someone believes that taking a groundwater sample is unnecessary due to site information they have obtained, a request for a variance from the requirement may be requested.

The department agrees that groundwater sampling should not be required in cases that contamination is found in the soil and the owner must complete a site assessment. The site assessment would determine the extent of contamination and include groundwater sampling. If overexcavation without a site assessment is going to be done, groundwater sampling will be required.

Since no certification of well drillers is currently required by the state, it will not be required separately in these rules for monitoring well construction. This needs to be addressed department wide.

Paragraph 135.8(3)c - tank removal soil sampling

COMMENTS:

Mr. Dunn of PDC Technical Services suggested some changes in the number of samples that should be taken with no explanation as to why. He did feel that a P.E. should be deciding the depth a sample should be taken based on the

soil profile. He felt 3 foot could be too shallow or too deep based on the soils encountered. An example would be granular soils at 3 feet requiring boring down until tighter soil is encountered.

Ed Kistenmacher of Petroleum Marketers suggested requiring only groundwater sampling when a concrete slab is encountered beneath a tank since soil sampling is too difficult.

RESPONSE:

The additional sampling Mr. Dunn suggested without some basis for the increase does not seem justified. The soil sampling currently proposed in the rules uses the general length of tanks based on volume with sampling occurring about every ten feet. It is felt this is adequate when no physical evidence of contamination is identified. We do agree that if granular soils are encountered at the sampling locations, augering down to cohesive soil is needed. This is currently required when this situation occurs. An example would be a sample of porous sand that allows contamination to go unnoticed. The proposed rules have been changed to address this problem.

When concrete slabs are encountered below tanks at this time, the owner is required to take samples around the slab in the same pattern as required for a closure in place. We will continue to require this.

135.8(4) - Overexcavation

COMMENTS:

Brent Crum of PCS Inc. was the only commentor on the new subrule on overexcavation. He suggested removing the required soil sampling prior to overexcavation. It was felt that sampling soil about to be removed was unnecessary since adequate sampling would be done after overexcavation to determine if the site was clean.

RESPONSE:

Soil sampling prior to overexcavation is being kept in the proposed rules. If no sampling is done prior to overexcavation, there will be no record of the amount of contamination that was present in the soil. Almost all overexcavated soil is land applied and a record is needed of the amount of contamination present. In many cases the overexcavation does not cleanup the site and further

remediation is required. A profile of the contamination originally at the site aids in the required site assessment.

135.9 Laboratory analytical methods

COMMENTS:

Michael McGee of National Environmental Testing and Mary Christie Heuser of Enviroskan offered the only comments on the requirements for laboratory procedures and reports.

Both commentators realized the need for the information requested in the laboratory reports. Ms. Heuser indicated that information such as the site address, client phone number, sample collector, and sample collection date are not always given to an independent laboratory. She indicated that providing this information should be the responsibility of the firm or individual collecting the sample. Mr. McGee stated similar concerns adding that client submitting the samples should provide this information to the department through a chain-of-custody form.

Ms. Heuser also suggested a change for analytical method OA-1, Method for Determination of Volatile Petroleum Hydrocarbons (gasoline). The method does not allow for the use of a photoionization detector (PID), only a flame ionization detector (FID). Ms. Heuser thought a PID should be allowed since it gives comparable data. She also felt the use of a surrogate standards should be optional.

Mr. McGee's only comment on method OA-1 was the need to add language found in method OA-2 that allows slight adjustments in the procedure based differences in lab equipment and advances in chromatography.

RESPONSE:

No changes in the laboratory report requirements are being made. There is no disagreement on the need for the information and it should be provided with the report. The laboratory needs the sampling time itself to determine if a valid analyses can be made. It may be necessary for a limited number of laboratories to redesign their collection report form to assure that they receive the necessary information.

No changes to method OA-1 will be made at this time. The FID detector gives the best resolution for determining petroleum constituents. The PID detector was not included since it does not give the resolution needed. The FID is the workhorse for laboratory gas chromatography and the cheapest detector to use.

Surrogate standards are needed for the quality control check of the analytical system and the effectiveness of the method. It is not labor intensive and adds little or no cost to the procedure.

It is generally understood that some changes can be made to improve separations or lower the cost of measurement. This usually is a change in the type of column used in the gas chromatograph. Going back to the University Hygienic Laboratory to add this statement is not practical and unnecessary at this time. Any changes can be made at a later date when the method is updated.

Comments unrelated to proposed rule changes.

Daniel Dunn with PDC Technical Services made some comments concerning subrule 135.7 which were not part of the rules proposed for change. As such, they can not be considered during current rulemaking.

Mr. Stokes explained changes made in the rules as a result of public comments received.

Chairperson Mohr asked if the changes suggested by Ed Kistenmacher will be made in the rules.

Mr. Stokes responded that staff is asking for approval of the rule as presented and any changes would be a Commission decision. He explained staff opinion on these issues and informed the Commission of options they could take.

Chairperson Mohr stated that she feels Mr. Kistenmacher had some very valid comments this morning and she thinks the Commission should take a look at them.

Margaret Prahl commented that if an individual would go 50 feet down and there is no further contaminated soil, she cannot see going another 50 feet to reach groundwater unless it is possible for it to go through the soil without leaving any residue.

Mr. Stokes stated that the basic reason to go to groundwater is to assure that that exact thing would not happen.

Gary Priebe stated that he was involved with a cleanup in Algona and they had to take samples every 100 square feet even though there was no problem seeing there was contamination. He related that the comments offered there were that they should be allowed to go ahead and excavate until the soil looked clean and then take samples.

General discussion followed.

Motion was made by Richard Hartsuck to delay approval of Final Rule--Chapter 135, UST Cleanup Standards to allow staff to work on modifications in those areas of concern. Seconded by Nancylee Siebenmann.

Margaret Prah1 asked how long the rules should be delayed.

Motion was made by Nancylee Siebenmann to amend Commissioner Hartsuck's motion to state that the rule be delayed for 30 days and brought back to the Commission in September. Seconded by William Ehm. Motion carried unanimously with Mike Earley abstaining for reasons previously stated.

Vote on Commissioner Hartsuck's motion, as amended, carried unanimously with Mike Earley abstaining for reasons previously stated.

The Commission clarified that the areas to be studied for modification are the issues addressed earlier by Ed Kistenmacher.

Motion was made by Margaret Prah1 to direct staff to address the issue of initial groundwater sample requirement, subsequent groundwater sample requirement, initial soil sample requirement, and post overexcavation soil sample requirement. Seconded by Gary Priebe. Motion carried unanimously.

Margaret Prah1 commented that it might be feasible to exempt certain soil types from going clear to the groundwater.

Nancylee Siebenmann commented that she is concerned that the department not add a burden of oversampling if it isn't necessary.

FINAL RULE--CHAPTERS 100 AND 102, LANDFILL OPERATOR AND INCINERATOR OPERATOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission has received copies of proposed changes to Chapter 100, Scope of Title - Definitions - Forms - Rules of Practice, and Chapter 102, Permits for their informational review.

In 1987 the legislature amended the Code of Iowa requiring sanitary landfill operators and solid waste incinerator operators to be trained, tested, and certified by a program approved by the department. The changes in Chapter 100 and 102 address this requirement.

Chapter 100 will be amended to include the definition of sanitary landfill operator and solid waste incinerator operator.

Chapter 102 will be amended by first renumbering the existing subrules 102.13 and 102.14 as 102.14 and 102.15.

New subrule 102.13 will require that all sanitary landfill operators and solid waste incinerator operators be trained in a course approved by the department. The minimum curriculum for the courses is outlined and the minimum number of contact hours is specified. The curriculum and contact hours were determined through review of existing training courses. Reciprocity shall be granted to individuals certified in other states upon approval by the department.

Sanitary landfill operators are defined as the person who has supervisory responsibility on-site. For example, the person on-site that has authority to turn waste away at the gate and supervise the machinery operators during working hours would be considered the landfill operator and would therefore have to be certified.

A fee schedule for the examinations, certifications and renewals is addressed in 102.13(6). The fees are based upon the costs of administering such a program. The fees are comparable to the Wastewater and Water Operator certification fees.

The examination procedure is discussed in 102.13(7). The applicant may take the test and fail twice, after the second failure an applicant must wait 180 days between subsequent examinations. Oral examinations will be given at the discretion of the department.

The certification procedure is discussed in 102.13(8). A grace period has been incorporated into the certification procedure. If an operator can pass the examination by June 30, 1991 the required operator training course will be waived and the operator will be certified. Beginning July 1, 1991 the operator must complete the required training course and successfully complete the certification examination. The certification will be good for a two year period. The certificates will expire on June 30 of even numbered years. This time frame was suggested by the DNR licensing division which will administer this program.

Renewal of certification under 102.13(9) will be done every two years. Ten contact hours of continuing education credit must be earned in the two year period to qualify for renewal.

102.13(10) will be concerned with the disciplinary action that the department will have the authority to take against a certified operator. Disciplinary action may be taken if the operator is not using reasonable care or judgement in performing duties associated with rules or permit conditions. Allowable

sanctions will include revocation of certificate and probation under specific conditions.

The department conducted hearings in Des Moines, Iowa City, Atlantic, Independence, Mason City, and Storm Lake at which oral and written comments were received.

The rules have been amended in areas where the formal public comment was consistent with the department's understanding of the statutory authority governing operator certification.

The definition of "Sanitary landfill operator" and "Solid waste incinerator operator" have been amended to clarify whom the department will require to be certified. The definitions have been changed to read: "Sanitary landfill operator" an individual having active, daily, onsite responsibility for day to day operation of a department permitted sanitary landfill. This person must also have the authority to turn waste away at the gate when the waste is considered unacceptable. "Solid waste incinerator operator" an individual having daily, active, onsite responsibility for day to day operations at a department permitted solid waste incinerator. This person must also have the authority to turn waste away when it has been determined unacceptable.

567--102.13(4)a has been amended by changing land surveying to construction engineering. Leachate control and treatment has been added as a required subject in the sanitary landfill operator basic training course.

567--102.13(4)b has been amended by adding ash and residue disposal practices to the solid waste incinerator operator basic training course.

567--102.13(9)d has been amended to clarify the two year period for continuing education requirements. The following sentence has been added: "The two year period will begin upon issuance of the certification and end upon renewal.

The Commission is asked to adopt the final rules as proposed.

(Rule is shown on the following 13 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to Iowa Code 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100, "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

In 1987, the Iowa legislature amended Chapter 455B and required operators of permitted sanitary landfills and to be trained, tested, and certified by a program devised or approved by the department. 1989 Iowa Acts, Chapter 272, section 33, amended section 455B.304 to impose similar requirements for operators of solid waste incinerators. As a result of the amendments which established operator certification, the existing rules in 567--102 must be expanded to include operator certification requirements.

The rules as amended, will be implemented upon adoption.

The rules may impact small businesses.

Public hearings were held in Des Moines on June 5, 1990; Atlantic, June 5, 1990; Storm Lake, June 6; Mason City, June 7; Iowa city, June 11 and Independence, June 12, at which time oral and written comments were received. A written response has been prepared.

Numerous comments were received, particularly regarding the requirement of having a certified operator on duty during all operating hours.

The following amendments are proposed.

"Sanitary Landfill Operator" an individual having active, daily, onsite responsibility for day to day operation of a department permitted sanitary landfill. This individual must also have the authority to turn waste away at the gate when the waste is considered unacceptable.

"Solid waste incinerator operator" an individual with active, daily, onsite responsibility for day to day operation of a department permitted solid waste incinerator. This individual must also have the authority to turn waste away when it has been determined to be unacceptable.

ITEM 2. Renumber 567--102.13 to 567--102.14

ITEM 3. Renumber 567--102.14 to 567--102.15

ITEM 4. Add new subrule 567--102.13 Operator certification. Sanitary landfill operators and solid waste incinerator operators shall be trained, tested, and certified by a department-approved certification program.

567--102.13(1) A sanitary landfill operator or a solid waste incinerator operator will be on duty during all hours of operation of a sanitary landfill or solid waste incinerator, consistent with their respective certification.

567--102.13(2) An individual desiring to become a certified operator shall complete a basic operator training course that has been approved by the department or an alternative, equivalent training approved by the department and pass a departmental examination as specified by this rule. An operator certified by another state may have reciprocity subject to approval by the department.

567--102.13(3) A sanitary landfill operator certification or solid waste incinerator operator certification is valid until June 30 of the following even-numbered year.

567--102.13(4) Basic Operator training course.

a. The required basic operator training course for a certified sanitary landfill operator will have at least 25 contact hours, and will address the following areas, at a minimum:

1. Description of types of wastes
2. Interpreting and using engineering plans
3. Construction surveying techniques
4. Waste decomposition processes
5. Geology and hydrology
6. Landfill design
7. Landfill operation
8. Environmental monitoring
9. Applicable by laws and regulations
10. Permitting processes
11. Leachate control and treatment

b. The required basic operator training course for a certified solid waste incinerator operator will have at least 12 contract hours, and will address the following areas at a minimum:

1. Description of types of wastes
2. Incinerator design
3. Interpreting and using engineering plans
4. Incinerator operations
5. Environmental monitoring
6. Applicable laws and regulations
7. Permitting process
8. Incinerator maintenance
9. Ash and residue disposal

567--102.13(5) Alternate basic operator training must be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternate training.

567--102.13(6) Fees.

- a. The examination fee for each examination shall be twenty dollars (\$20).
- b. The initial certification fee shall be eight dollars for each one half year of a two year period from the date of issuance to June 30 of the even-numbered years.
- c. The certification renewal shall be twenty-four dollars (\$24).
- d. The penalty fee shall be twelve dollars (\$12).

567--102.13(7) Examinations.

- a. The operator certification examinations will be based on the basic operator training course curriculum.
- b. All persons wishing to take the examination required to become a certified operator of a sanitary landfill or a solid waste incinerator shall complete the "Operator Certification Examination Application" form (542-1354). A listing of dates and locations of examinations is available from the department upon request. The application form requires the applicant to indicate the basic operator training course taken. Evidence of training course completion must be submitted with the application for certification issued after July 1, 1991. The completed application and the application fee shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least thirty (30) days prior to the date of examination.
- c. A properly completed application for examination will be valid for one year from the date the application is approved by the department.
- d. Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a

period of one hundred and eighty (180) days between each subsequent examination.

e. Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten (10) days prior to the date of examination.

f. Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

g. Completed examinations will be retained by the director for a period of one year after which they will be destroyed.

h. Oral examinations may be given at the discretion of the department.

567--102.13(8) Certification.

a. All operators who can pass the operator certification examination by July 1, 1991 are exempt from taking the required training course. Beginning July 1, 1991 all operators will be required to take the basic operator training course and pass the examination to become certified.

b. Application for certification must be received by the department within thirty (30) days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

c. Applications for certification by examination which are received more than thirty (30) days but less than sixty (60) days after notification of successful completion of the examination shall be accompanied by the certification fee and penalty fee. Applicant's who do not apply for certification within sixty (60) day's notice of successful completion of the examination will not be certified on the basis of that examination.

d. For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification without examination will be recommended.

e. For applicants who have been certified under voluntary certification programs in other states, certification will be considered. The applicant must have successfully completed a basic operator training course and an examination generally equivalent to the Iowa examination. The director may require the applicant to successfully complete the Iowa examination.

f. Applicants who seek Iowa certification pursuant to subrule 102.13(9)d or e shall submit an application for examination accompanied by a letter requesting certification pursuant to those subrules. Application for certification pursuant to those subrules shall be received by the director in accordance with 102.13(9)a and b.

567--102.13(9) Renewals. All certificates shall expire every two years, on even numbered years, and must be renewed every two years to maintain certification. Application and fee are due prior to expiration of certification.

a. Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within thirty (30) days of the expiration of the certificate, on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

b. If a certificate holder fails to apply for renewal within thirty (30) days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes

an examination. The applicant must then apply for certification in accordance with 102.13(8).

c. An operator may not continue to operate a sanitary landfill or solid waste incinerator after expiration of a certificate without renewal thereof.

d. Continuing education must be earned during the two-year license period. All certified operators must earn ten contact hours per certificate during each two-year period. The two-year period will begin upon issuance of certification and end upon renewal.

e. Only those operators fulfilling the continuing education requirements before the end of each two-year period will be allowed to renew their certificates. The certificates of operators not fulfilling the continuing education requirements shall be void upon expiration, unless an extension is granted.

f. All activities for which continuing education credit will be granted and must be related to the subject matter of the particular certificate to which the credit is being applied.

g. The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which to fulfill the minimum continuing education requirements. Hardship or extension circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made 60 days prior to expiration of certification.

h. It is the certified operator's responsibility to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

i. A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military services, or for periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there, or for periods that the person is a government employee working as an operator and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the department.

567--102.13(10) Discipline of certified operators.

a. Disciplinary action may be taken on any of the following grounds:

1. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Duties of certified operators include compliance with rules and permit conditions applicable to landfill or incinerator operation.

2. Failure to submit required records of operation or other reports required under applicable permits or rules of the department; including failure to submit complete records or reports.

3. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

b. Disciplinary sanctions allowable are:

1. Revocation of a certificate.

2. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education

or training, or reexamination may be required as a condition of probation.

c. The procedure for discipline is:

1. The director shall initiate disciplinary action. The commission may direct that the director investigate any alleged factual situation that may be grounds for disciplinary action under 102.13(11)a, and report the results of the investigation to the commission.

2. A disciplinary action may be prosecuted by the director.

3. Written notice shall be given to an operator against whom disciplinary action is being considered. The notice shall state the informal and formal procedures available for determining the matter. The operator shall be given twenty (20) days to present any relevant facts and indicate the operator's position in the matter, and to indicate whether informal resolution of the matter may be reached.

4. An operator who receives notice shall communicate verbally, in writing, or in person with the director and efforts shall be made to clarify the respective positions of the operator and director.

5. Failure to communicate facts and position relevant to the matter by the required date may be considered when determining appropriate disciplinary action.

6. If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

7. If an agreement as to appropriate disciplinary action, if any, cannot be reached, the director may initiate formal hearing procedures. Notice and formal hearing shall be in accordance

with chapter 7 of the rules of the department related to contested and certain other cases pertaining to license discipline.

567--102.13(11) Revocation of certificates. Upon revocation of a certificate, application for certification may be allowed after two (2) years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

DATE

LARRY J. WILSON, DIRECTOR

(A:EP100A.RUL/180-90/ms)

Responsiveness Summary

This was prepared as a result of public comments to proposed rule changes in Chapter 102 "Permits". The proposed changes require sanitary landfill operators and solid waste incinerator operators to be trained, tested, and certified by the state. The formal public comments were received on or before June 15, 1990.

Comments:

1. Robert Gumbert
2. Edward Elam
3. Thomas Anderson, P.E.
4. Gerald Petermeier
5. Rick Yoerger, P.E.
6. Joyce DeLong, P.E.
7. Jim Ulveling

8. Michael McGuire
9. Abie Davis

Comment: (2)(5)(6)(8) RE: (def) "Sanitary landfill operator" The proposed definition does not class landfill operators in different classes. A landfill operator does not have onsite, supervisory, administrative, and technical authority, this is a combination between landfill operator, landfill manager, and landfill administrator.

Response: It is the department's intention that the defined landfill operator be the onsite person responsible for day to day activities, and also have the authority to turn waste away at the gate. The definition will be amended to reflect this intention. The department does not believe an operator certification program including different classes of operators is warranted. The department believes that all landfills encounter the same problems, the size of the problem is the only varying factor, therefore all landfill operators can be trained in the same areas.

Recommended Action: Amend the definition as follows: "Sanitary Landfill Operator" is a individual having active, daily, onsite responsibility for day to day operation of a department permitted sanitary landfill. This individual must also have the authority to turn waste away at the gate when the waste is considered unacceptable.

Comment: (8) RE: (def) "Solid Waste Incinerator Operator" The definition should be clarified as to whom actually should be certified and at what type of facilities.

Response: It is the department's intention that the defined incinerator operator be the onsite person responsible for day to day activities, and also have the authority to turn waste away whenever the waste is determined to be unacceptable.

Recommended Action: Amend the definition as follows: "Solid waste incinerator operator" is an individual with active, daily, onsite responsibility for day to day operation of a department permitted solid waste incinerator. This individual must also have the authority to turn waste away when it has been determined to be unacceptable.

Comment: (2)(3)(5) 567--102.13 Operator Certification. Why does a training course need to be completed? An operator should be able to use knowledge gained from anywhere to pass the test.

Response: The legislature mandated that the operators be trained, tested, and certified by the department in 455D.304, Iowa Code. The department has interpreted "trained" to mean completion of a training

course.

The training course requirement has been waived until July 1, 1991, as provided in 567--102.13(8)a.

Recommended Action: No change

Comment: (1)(5)(7)(9) RE: 567--102.13(1), Requiring a certified operator to be on duty at all times is unreasonable, many smaller landfills do not have more than one operator. Some type of provision should be made to allow for vacations, sick leave, and meals.

Response: The department has interpreted the legislative mandate for operator training as requiring an operator to be on duty during all hours of operation. The department does not believe that an operator which is not on-site can monitor the waste coming into the landfill. The department recognizes that this may cause even small landfills to have more than one certified operator, but this is necessary to monitor the waste which is being disposed. The landfill is already required to have someone on duty during all hours of operation, it is not unreasonable for the department to require that person to be certified.

Recommended Action: No change

Comment: (5)(6) RE: 567--102.13(4) The length and the complexity of the required training course will be unreasonable. The course requirements look to be related to engineering not landfill operation.

Response: It is the department's intention to convey general ideas about each topic covered in the course outline. The course will not be designed as an engineering class. All of the topics are necessary to understand what is going on at the landfill. The department feels the minimum number of contact hours required for the course is needed for the course to be taught effectively.

Recommended Action: No change

Comment: (1) RE: 567--102.13(4)a Land surveying should be changed to construction surveying. Leachate collection and treatment should be added to the training requirements.

Response: The department concurs

Recommended Action: Change land surveying to construction surveying in 102.13(4)a3. Add leachate control and treatment to the basic landfill operator training course in 102.13(4)a11.

Comment: (1) RE: 567--102.13(4)b Ash and residue disposal practices should be added to the training course.

Response: The department concurs

Recommended Action: Add ash and residue disposal practices to the required basic incinerator operator training course in 102.13(4)b9.

Comment: (2) RE: 567--102.13(9)d,e The two year period for obtaining continuing education credits needs to be clarified.

Response: The department concurs

Mr. Stokes gave a brief explanation of the rules.

Motion was made by Margaret Prah1 to approve Final Rule--Chapters 100 and 102, Landfill Operator and Solid Waste Incinerator Operator Certification. Seconded by Gary Priebe.

Nancylee Siebenmann stated that on page 7, under 102.13(9)d, the words "and end upon renewal" in the last sentence are redundant, and she asked that they be deleted.

Discussion followed regarding the basic training course to be completed by operators and the effect these rules will have on small landfills.

Motion was made by Nancylee Siebenmann to amend Commissioner Prah1's motion to approve the rules with the deletion of the words "and end upon renewal" from 102.13(9)d. Seconded by Margaret Prah1. Motion carried unanimously.

Chairperson Mohr requested a roll call vote on Commissioner Prah1's motion, as amended. "Aye" vote was cast by Commissioners Earley, Hartsuck, King, Prah1, Priebe, Siebenmann, Yeager, and Mohr. "Nay" vote was cast by Commissioner Ehm. Motion carried on a vote of 8-Aye to 1-Nay.

NOTICE OF INTENDED ACTION--CHAPTER 60, DEFINITIONS AND CHAPTER 62, FEDERAL EFFLUENT AND PRETREATMENT STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The proposed rules update references to federal regulations in the Iowa Administrative Code. From time to time, EPA promulgates new or revised effluent and pretreatment standards applicable to some industries. These effluent and pretreatment standards are adopted by references in Chapter 62 of the rules. Periodic updates of references to the federal standards are necessary because the effluent and pretreatment standards adopted by the Commission must be at least as stringent as those promulgated by EPA to maintain delegation of the department's NPDES program. However, the Iowa Code prohibits the Commission from adopting effluent and pretreatment standards more stringent than the federal standards. The Commission is asked to approve the Notice of Intended Action and set a date of September 4, 1990 at 1:00 pm for a public hearing on the proposed rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.173, the Environmental Protection Commission gives notice of intended action to amend 567--Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and 567--Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice". Iowa Administrative Code.

The purpose of the proposed rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR. The proposed change to rule 60.2 is to update the definition of "Act" to include amendments to the Water Pollution Control Act through December 31, 1989.

The effluent and pretreatment standards adopted by the Commission are required to be at least as stringent as the enumerated promulgated federal standards in order to have continued approval by the federal Environmental Protection Agency of the department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the commission not be more stringent than the enumerated promulgated federal standards.

Any interested person may submit written suggestions or comments on the proposed rule changes through September 14, 1990. Such written materials should be directed to Steve Williams, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, Fax # 515/281-8895. Persons who have questions may contact Steve Williams at 515/281-8884. Persons are also invited to present oral or written comments at a public hearing which will be held on September 4, 1990, at 1:00 p.m. in the fifth floor west conference room, Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

These rules may have an impact upon small businesses.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I.

ITEM 1. Amend rule 567--62.4(455B) to read as follows:
567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, 1986 1989, are applicable to the following categories:

ITEM 2. Amend subrule 62.4(3) as follows:

62.4(3) General pretreatment regulations for existing and new sources of pollution. The following is adopted by reference: 40 CFR 403 as ~~amended on October 17, 1988 (53-FR-40562), and January 4, 1989 (54-FR-246).~~

ITEM 3. Revise subrule 62.4(14) to read as follows:

62.4(14) Organic chemicals manufacturing, plastics and synthetic fibers point source category. The following is adopted by reference: 40 CFR part 414.

ITEM 4. Revise subrule 62.4(16) as follows:

62.4(16) ~~Plastics and synthetics point source category. The following is adopted by reference: 40 CFR 416.~~ Reserved

ITEM 5. Amend subrule 62.4(67) as follows:

62.4(67) Aluminum forming point source category. The following is adopted by reference: 40 CFR part 467 as ~~amended on December 27, 1988 (53-FR-52366).~~

ITEM 6. Revise subrule 62.4(71) as follows:

62.4(71) Nonferrous metals forming and metal powders. The following is adopted by reference: 40 CFR part 471 ~~(54-FR-11346).~~

ITEM 7. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, 1986 1989.

ITEM 8. Amend rule 567--60.2(455B) to read as follows:

567--60.2(455B) Definitions. The following definitions apply to this title, unless otherwise specified in the particular chapter of this title:

"Act" means the Federal Water Pollution Control Act as amended through December 31, ~~1984~~ 1989, 33 U.S.C. 1251 et seq.

Date

Larry J. Wilson, Director

Mr. Stokes gave a brief explanation of the rule.

Motion was made by Nancy Lee Siebenmann to approve Notice of Intended Action-Chapter 60, Definitions and Chapter 62, Federal Effluent and Pretreatment Standards. Seconded by Richard Hartsuck. Motion carried unanimously.

EQUIPMENT ACQUISITION FOR AIR PROGRAM

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

At the request of the Commission, an informational item was presented at the April meeting regarding the role and authority of the Commission regarding equipment purchases. Briefly, the common practice for equipment and supply purchases is the submission by the Director of a purchase requisition to the

appropriate division of General Services. Issuing of the actual purchase order is under the authority of the Director of the Department of General Services, and vendor appeals are to the DGS Director with the next step being the State Executive Council. No decision or direction was given by the EPC at the April meeting. Therefore, this item is being submitted for approval as per past practice.

The department requests approval to purchase the following equipment as part of the state's plan to implement the National Emission Standards for hazardous air pollutants relative to asbestos demolition and renovation:

- | | |
|--|----------|
| 1) Respiratory/Safety Equipment
(including MSA Optimumair respirators
and cartridges, sets of self-contained
breathing apparatus, HEPA vacuums,
MSA spectacle kits, hard hats) | \$ 6,900 |
| 2) Protective Clothing
(including disposable coveralls, disposable
gloves, rubber boots, ear protection) | \$ 424 |
| 3) Sampling Equipment
(including water proof cameras, water proof
flashlights, water spray bottles, adhesive
tape, tools wet wipes, plastic bags, documen-
tation material, small cans of spray paint) | \$ 300 |
| 4) Office Equipment
(including Herman Miller modular walls,
desk and chairs and a telephone and
telephone hookup) | \$ 3,750 |
| 5) Computer Equipment
(including 2 desk top computers with
modems, 3720 emulation and necessary
software for communication, assessment
and reporting) | \$13,626 |

TOTAL \$25,000

These supplies and equipment will be 100% federally-funded under a supplemental grant awarded to the air program for this purpose.

Approval is requested. In regard to the larger issue, the Commission has a number of options including continuing the current practice, a more general review through the budgeting process, limiting approval to single items costing more than \$25,000, etc. The staff recommends that the Commission exercise overview through the budgeting process.

Mr. Kuhn distributed a schedule of contracts and equipment for FY 91 and explained same.

Motion was made by Margaret Prah1 to approve the Equipment Acquisition for Air Program as presented. Seconded by Gary Priebe. Motion carried unanimously.

Mr. Kuhn explained that going back to the time prior to reorganization, it was a standard practice to bring all equipment purchases before the Commission for approval. The current practice provides for the Commission's general review through the budgeting process and limits approval to single items costing more than \$25,000.

Mr. Kuhn stated that staff recommends that the Commission exercise overview through the budgeting process.

Motion was made by Margaret Prah1 to approve a process by which an annual equipment budget is presented to the Commission at regular budget time to include equipment purchase needs, and that any unbudgeted amount over \$10,000 come before the Commission for approval. Seconded by Mike Earley. Motion carried unanimously.

NONPOINT POLLUTION CONTROL PROJECT CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve contracts with the Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, to carry out nonpoint pollution control projects in Floyd and Clarke Counties. These projects are:

FLOYD COUNTY: A five-year project to protect and improve groundwaters in the Devonian aquifer in Floyd County will be conducted. Activities include inventory/evaluation of sinkholes and agricultural drainage wells; development/implementation of groundwater quality management plans (including fertilizer and pesticide management programs) for participating farms; waste clean-out from sinkholes; establishment of sinkhole buffer strips and closure of and development of alternative outlets for agricultural drainage wells.

The contract amount will be \$50,896 to support the first year of project activities.

CLARKE COUNTY: A five-year project to reduce entry of sediment, nutrients and other pollutants into West Lake, Clarke County, will be conducted to protect and improve the lake's value as a public water supply and as a fishing, wildlife and recreational resource. Project activities will include: evaluate current farming practices and develop water quality plans for

participating farms; implement resource management systems involving combinations of erosion control; soil testing and integrated pest management practices on watershed crop lands; public information programs and water quality monitoring.

The contract amount will be \$55,412 to support the first year of project activities.

These projects are being conducted as part of Iowa's Nonpoint Pollution Management Program, for which the department has been awarded Section 319(h) funding by the USEPA. These contracts will be 100% federally-funded. Funding for the remainder of the project period is expected to be a combination of future year Section 319 appropriations and state Water Protection Program funds administered by the Division of Soil Conservation.

Mr. Kuhn explained the projects for Floyd and Clarke counties.

Nancylee Siebenmann asked how many counties were in contention and what criteria was used for selection of contracts.

Mr. Kuhn replied that there were about 30 projects in contention, basically submitted by the local soil districts, and the primary criteria was in looking at what could be expected in demonstration or improvement in water quality.

Margaret Prah1 asked that there be a policy, when contracts or competitive grants are brought before the Commission, that the criteria used and competition for grants be included in the item.

Motion was made to approve the Nonpoint Pollution Control Project Contracts for Floyd and Clarke counties as presented. Seconded by William Ehm. Motion carried unanimously.

AWARD CONTRACT OF UNDERGROUND STORAGE TANK PHASE I - SITE ASSESSMENT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The department requests that the Commission authorize the award of the Phase I - Site Assessment Contract No. 90-7LT156, Rock Rapids, Iowa to Terracon Environmental Inc., Omaha, NE. The objective of this project is to conduct a site assessment of the petroleum contamination in the vicinity of Boone Street and First Avenue, Rock Rapids, Iowa.

This assessment will (1) identify the source or sources of the petroleum contamination; (2) determine the vertical and horizontal extent of the petroleum contamination in the soils and

groundwater; and (3) enable the department to determine what degree of cleanup is necessary to mitigate the environmental, human health and safety concerns.

The Contractor will perform the work called for in this contract on a time and materials basis. The Contractor will receive compensation for all services and work performed for Phase I up to a ceiling price of \$34,102.54.

(Contract and attachments shown on the following 37 pages)

CONTRACT NO. 90-7LTI56

BETWEEN

THE STATE OF IOWA

AND

TERRACON ENVIRONMENTAL, INC.

This contract is made and entered into by and between the State of Iowa, acting through the Iowa Department of Natural Resources (hereinafter called "IDNR", and Terracon Environmental, Inc. (hereinafter called the "Contractor"), whose principal offices are located at 2211 South 156th Circle, Omaha, Nebraska 68130-2506.

The State of Iowa has entered into Cooperative Agreement No. L007302 01 with the U.S. Environmental Protection Agency (hereinafter called "the Government") for the purpose of investigating and cleaning up petroleum releases from underground storage tanks regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) not eligible for clean up under Superfund. This contract is entered into in furtherance of the performance of the work provided for in the Cooperative Agreement.

AGREEMENT

Now, therefore, the parties hereto agree to the following terms and conditions.

ARTICLE 1: DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

- A. The term "Government" means the United States of America and includes EPA.
- B. The term "IDNR" means the Iowa Department of Natural Resources or any duly authorized representative thereof.
- C. The term "Contractor" as used herein includes subcontractors, independent consultants, and all other classes of persons performing any type of work under this contract.

ARTICLE 2: CONTRACT ADMINISTRATION RESPONSIBILITIES

- A. The Contracting Officer for IDNR for this contract is Phyllis Koger, (515) 281-5774.
- B. The IUST Coordinator for IDNR for this contract is Jim Humeston, (515) 281-8957.

ARTICLE 3: THE WORK TO BE PERFORMED

- A. The Contractor shall furnish all personnel, facilities, equipment, materials and services necessary for the performance of the work, generally described as "Phase I - Site Assessment, Rock Rapids, Iowa," and specifically provided for in Appendix A attached hereto and made a part hereof and shall perform the work and report thereon pursuant to the provisions of this contract.
- B. Upon receipt of written notification to proceed from IDNR, the Contractor shall furnish all personnel, facilities, equipment, materials and services necessary for the performance of the work, generally described as "Phase I - Site Assessment, Rock Rapids, Iowa," and specifically provided for in Appendix A attached hereto and made part hereof and shall perform the work and report thereon pursuant to the provisions of this contract.
- C. Specific deliverables, quantities and due dates are set forth in Appendix A hereto.
- D. The Contractor shall prepare all necessary permits required by the various federal, state, and local governmental agencies to carry out the performance of the work and shall comply with all federal, state, and local laws. Additionally, the Contractor shall obtain all necessary authorizations to enter on any property, either public or private, as necessary to carry out the performance of the work.

ARTICLE 4: OBLIGATIONS OF IDNR TO CONTRACTOR

The IDNR will furnish to the Contractor and assist in obtaining from other public sources such plans and maps which are available for the Contractor's use in carrying out the requirements of the work program.

ARTICLE 5: CONFERENCES AND VISITS TO SITE

From time to time, as the work progresses, conferences may be held at Des Moines, Iowa or elsewhere, at the request of the Contractor or the IDNR to discuss the details of the study. The IDNR may, at its discretion, visit the work site to view the progress of the study at any time.

ARTICLE 6: THE PERIOD OF PERFORMANCE

- A. The period of performance under this contract for Phase I shall commence on July 18, 1990, and expire on April 18, 1991; provided, however, that this period may be extended for additional periods by written agreement of the IDNR.
- B. The period of performance under this contract for Phase II shall be for a period of time consistent with the remedial actions selected by IDNR upon the completion of Phase I, commencing on the date specified by IDNR in its written notification to the Contractor to proceed with Phase II.

- C. If, in the opinion of the Contractor, conditions exist which may preclude the successful accomplishment of the work within the stated deadlines, the Contractor shall immediately notify the IDNR in writing setting forth the reasons for this determination.

ARTICLE 7: OPTIONAL PHASE II

IDNR shall have the unilateral right to direct the Contractor to proceed with Phase II. The Contractor shall not proceed with the work for Phase II, nor incur any costs related to Phase II, until notified to proceed by IDNR. IDNR reserves the exclusive right to (1) direct the Contractor to proceed with Phase II under this contract, (2) terminate this contract upon completion of Phase I and not proceed with Phase II, or (3) terminate this contract upon completion of Phase I and seek proposals for a new contract for the work contemplated in Phase II.

ARTICLE 8: COMPENSATION

The Contractor shall perform the work called for in this contract on a time and materials basis. The Contractor shall receive compensation, as specified hereunder, for all services and work performed for Phase I up to a ceiling price of \$34,102.54.

The Contractor shall receive compensation, as specified hereunder, for all services and work performed for Phase II, if authorized in writing by IDNR, up to a ceiling price agreed upon by the Contractor and IDNR.

The proposed budget for Phase I of this work is included in Appendix A and, by this reference, made a part hereof. This proposed budget is the basis for determining the compensation noted in this article. The proposed budget for Phase II, if authorized by IDNR, will be incorporated by a modification to this contract as Appendix B.

Extra work orders shall be negotiated and approved only under the following conditions:

1. Whenever it appears that the terms of the contract will not provide for the completion of all the work necessary and prior to any additional work being done, an extra work order shall be prepared. Such an extra work order may cover only work necessary to complete the terms of the original contract and which would have been part of the original contract had all information been available at the time the original contract was executed.
2. The engineering representative administering the contract will justify the necessity for the extra work and the recommended means and amount of payment. Prior to any extra work being carried out by the Contractor, the extra work order will be approved by the IDNR director.

A. Labor

1. Labor costs shall be computed by multiplying the appropriate hourly rates set forth below by the number of direct labor hours performed, which rates include wages, overhead, general and administrative expense, and profit.

Personnel/Labor Category	Fixed Hourly Rates
Dennis Appelhons	\$ 83.15
David Beem	83.15
Paul Green	45.50
John Hartwell	117.50
John Howe	65.91
David Jordon	65.91
Ken Mertl	65.91
David Svingen	117.50
James Temple	52.59
Draftsman	29.37
Secretary	29.56

2. The hourly rates set forth above shall not be varied by virtue of the Contractor's having performed work on an overtime basis, unless specifically authorized in writing by IDNR. If no overtime rates are provided in this Schedule, and overtime work is approved in advance by the IDNR, overtime rates will be reimbursable only to the extent the overtime is approved by the IDNR.

B. Subcontracts and Other Direct Costs

1. The cost of subcontracts which are authorized pursuant to the "Subcontracts" clause of Appendix B shall be reimbursable costs hereunder, provided such costs are consistent with Subparagraph B.3 below. Reimbursable costs in connection with subcontracts shall be limited to the amounts paid to the Contractor in the same manner as for items and services purchased directly for the contract under Subparagraph B.2 below. Reimbursable costs shall not include any costs arising from the awarding, administration, or supervision of performance of the contract, which costs are included in the hourly rate or rates payable under Subparagraph A.1 above.
2. Allowable costs of direct materials supplies, services, etc., shall be determined in accordance with Subpart 31.2 of the Federal Acquisition Regulations and shall be reimbursed at 100 percent of actual costs incurred. The Contractor shall be reimbursed for items and services purchased directly for the subcontract only when cash, checks, or other forms of actual payment have been made for such purchased items or services. Direct materials are defined as those materials which enter directly into the end product or which are used or consumed directly in connection with the furnishing of such product.

3. The contractor shall, to the extent of its ability, procure materials at the most advantageous prices available with due regard to securing prompt delivery of satisfactory materials, and take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other benefits.

ARTICLE 9: LIMITATION OF IDNR COST LIABILITY

- A. It is estimated that the total cost to IDNR for the performance of this contract will not exceed the ceiling price set forth in this Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such ceiling price. If at any time, the Contractor has reason to believe that the hourly rate payments and material costs which will accrue in the performance of this contract, when added to all other payments and costs previously accrued, will be greater than the ceiling price, the Contractor shall notify IDNR in writing to that effect, giving its revised estimate of the total cost for the performance of the work, together with supporting reasons and documentation.
- B. IDNR shall not be obligated to pay the Contractor any amount incurred in excess of the ceiling price of this contract, and the Contractor shall not be obligated to continue performance of work or to incur costs in excess of such ceiling price, unless and until IDNR shall have notified the Contractor in writing that an increase in the ceiling price has been approved. When and to the extent that the ceiling price has been increased, any costs previously incurred by the Contractor in excess of such ceiling price shall be allowable to the same extent as if such costs had been incurred after any increase in ceiling price, provided such costs are incident to and necessary for the performance of work specifically authorized by the IDNR.
- C. In the event the ceiling price is not increased and additional funds are not allocated to this contract and work under this contract is discontinued because of exhaustion of funds, the Contractor shall furnish any and all drawings, specifications, etc., then completed on the work which has been performed as required by IDNR and IDNR shall have no obligation to make further payments thereunder.

ARTICLE 10: FINAL PAYMENT REQUIREMENTS

- A. At any time or times prior to final payment under this contract, the IDNR may cause to be made such audit of the invoices or vouchers and substantiating material as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts which are found by the IDNR not to have been properly payable, and shall also be subject to reduction for overpayments, or to increase for underpayments, on preceding invoices or vouchers. Upon receipt and approval of the voucher or invoice designated by the Contractor as the "Final Invoice" and substantiating material, and upon compliance by the Contractor with all provisions of this contract, IDNR shall as promptly as may be practicable pay any balance due and owing the Contractor. The final invoice or voucher, and substantiating material, shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract, but in no event later than July 1 following the date of such completion. The fixed hourly rates shown in

Article 8 shall not be subject to any increase as a result of any audit; however, such rates shall be subject to a reduction for any significant sums by which they had improperly increased because of the submission to IDNR of information based on inaccurate, incomplete, or noncurrent wage rates.

- B. By submission of the final invoice or voucher, the Contractor and each assignee, discharges the IDNR, the State of Iowa, and the Government, their respective officers, agents, and employees of and from all liabilities, obligations, and claims arising out of or under this contract.
- C. By submission of the final invoice or voucher, the Contractor agrees that any refunds, rebates, or credits (including any interest thereon) accruing to or received by the Contractor or any assignee, which arise under the materials and subcontracts portion of this contract and for which the Contractor has received reimbursement, shall be paid to IDNR.
- D. The Contractor's records related to work performed under this contract shall be open and available for copying to authorized auditors representing the IDNR, the State of Iowa or the Government for a period of three years following the final completion of all work and payments required by the terms of this contract.

ARTICLE 11: MANNER OF PAYMENT

- A. The Contractor shall be paid upon submission of properly certified invoices. Invoices may be submitted once each month and shall be supported by an itemized statement of costs claimed to have been incurred by the Contractor during the period covered by the invoice, and include copies of vouchers, invoices, or other evidence of actual payment for other direct charges. Promptly after receipt of each substantiated voucher, IDNR shall, except as otherwise provided in this contract, make payment thereon.

To facilitate processing and payment, each invoice must reference the Contract No. 90-7LTI56.

The Contractor shall identify the final invoice, by affixing in a prominent place, the words "FINAL INVOICE."

- B. Printed and/or attached to each invoice there must be furnished the following certification which must be manually signed by an authorized representative of the Contractor:

"I certify that the above bill is correct and just; that the amounts claimed represent fair charges against the Iowa Department of Natural Resources; and that reimbursement has not and will not be received therefor under any other State of Iowa or Government contract or other source of State of Iowa or Government funds."

- C. Invoices for work accomplished under this contract with supporting documentation shall be submitted in an original plus one (1) copy to Phyllis Koger.

- D. The Contractor is hereby notified that IDNR may withhold payment on invoices submitted if the Contractor has failed to comply with the reporting/deliverable requirements or is delinquent in the submission of such reporting/deliverable requirements, until such time as the Contractor has performed/submitted such reporting/deliverable requirements.

ARTICLE 12: ADDITIONAL PROVISIONS

- A. OWNERSHIP OF DOCUMENTS - All survey notes, sketches, tracings, plans, specifications, displays, and other data prepared under this contract shall become the property of the IDNR and be delivered to the IDNR upon completion of the work or termination of the services of the Contractor. The Contractor may use the data gathered for further nonprofit research and for purposes of publication in scholarly journals. Other use of the data by the Contractor shall require prior written consent of the IDNR.
- B. CHANGES OF WORK - If the Contractor is of the opinion that any further work he has been directed to perform is beyond the scope of this agreement and constitutes extra work, the Contractor shall follow the procedures set forth in Appendix B.
- C. ARBITRATION - Any disputes between the IDNR and the Contractor not disposed of by agreement between the parties shall be settled by arbitration, if the parties mutually agree, as provided below:

If a Contractor's claim for compensation has been disallowed in whole or in part, then the Contractor may within 30 days from the date the ruling to the IDNR is mailed to the Contractor, make a written request to Phyllis Koger that the claim or claims be submitted to a board of arbitration. The IDNR shall decide whether the matter is one which is subject to arbitration and shall, within 30 days of the receipt of the request for arbitration, grant or deny the request. The IDNR's decisions shall be final.

Said board of arbitration shall consist of three persons - one to be chosen by the IDNR, one by the Contractor, and the third by the two arbitrators.

The arbitrators selected shall be persons experienced and familiar with engineering practices in the general type of work involved in the contract, but shall not have been a regular employee or an individual retained by either party at the time involved in the controversy, or at the time of arbitration.

The board of arbitration shall make its own rules of procedure and shall have authority to examine records kept by the IDNR and the Contractor. If the desired records are not produced within 10 days after they are requested, the board of arbitration shall proceed without them as best it may. In determining the findings or award, or both, the majority vote of the board shall govern. Copies of the findings or award, or both, signed by the arbitrators shall be filed with Phyllis Koger and the Contractor. A majority report or minority report may be filed. The board of

arbitration shall fix the cost of the proceedings, including a reasonable compensation to the arbitrators, and shall determine how the total cost shall be borne.

The board of arbitration shall have jurisdiction to pass upon questions involving compensation to the Contractor for work actually performed or materials furnished and upon claims for extra compensation which have not been allowed by the IDNR. Jurisdiction of the board shall not extend to a determination of quality of workmanship or materials furnished or to an interpretation of the intent of the plans and specifications except as to matters of compensation. Jurisdiction of the board shall not extend to setting aside or modifying the terms or requirements of the contract.

The findings or award, or both, of the arbitration board, if acceptable to both parties to the contract, may become a basis for final payment.

If the findings of the arbitration board are unacceptable to either party to the contract, said findings may become the basis for further negotiations between the parties. If a solution agreeable to both parties has not been reached through the filing of a claim, through arbitration, or if arbitration has been denied, either party may resort to whatever other methods for resolving the claim are available.

- D. EMPLOYMENT OF STATE, COUNTY AND CITY WORKERS - The Contractor shall not engage, on a full or part-time or other basis during the period of the agreement, any professional or technical personnel who are or have been at any time during the period of the agreement in the employ of the Iowa Department of Natural Resources, except regularly retired employees, without the written consent of the public employer of such person.
- E. THE CONTRACTOR'S ENDORSEMENT OF WORK - A Contractor shall place his endorsement of the completed work on the title sheet of the plans and specifications prepared under Phase II as required by Section 114.16, Code of Iowa.
- F. SUBCONTRACTORS - If the Contractor at any time finds that it is necessary to retain a subcontractor for any portion of the work, they shall notify the IDNR and receive approval from the IDNR prior to any subcontract being retained. The Contractor shall make efforts to identify and retain minority and women-owned subcontractors whenever possible as set forth in Appendix B.

ARTICLE 13: KEY PERSONNEL

The following individuals are hereby named as key personnel under this contract. The Contractor hereby agrees to notify and obtain the approval of the IDNR prior to removing these individuals from this contract.

Dennis Appelhons
David Beem
Paul Green
John Hartwell
John Howe

David Jordon
Ken Mertl
David Svingen
James Temple

ARTICLE 14: PUBLIC DISCLOSURE

Publicity releases of any nature in connection with this contract shall not be made by the Contractor without prior review and approval of the IDNR. Submit publicity releases to Phyllis Koger.

ARTICLE 15: GOVERNING LAW

This contract shall be governed and construed in accordance with the laws of the Government, State of Iowa, and local laws and ordinances applicable to the work.

ARTICLE 16: ORDER OF PRECEDENCE

In the event of an inconsistency between provisions of this contract, the inconsistency shall be resolved by giving precedence as follows:

- A. This Schedule
- B. Scope of Work (Appendix A)
- C. General Terms and Conditions (Appendix B)
- D. Other provisions of the contract whether incorporated by reference or otherwise.

ARTICLE 17: INTEGRATION

This contract contains the entire understanding between the parties, and there are no understandings or representations except those set forth or incorporated by reference herein. No subsequent modifications of this contract shall be of any force or effect unless in writing signed by the director of IDNR.

The Contractor certifies that he is fully acquainted with the concept of the work as presently developed by the IDNR.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date fully signed below.

FOR THE DEPARTMENT:

LARRY J. WILSON, Director
Iowa Department of Natural Resources

Date: _____

FOR THE CONTRACTOR:

By: _____

Title: _____

Identification Number
Social Security Number:

or Federal Identification Number:

Date: _____

Seal if by a corporation:

APPENDIX A

SCOPE OF WORK

SCOPE OF WORK

The environmental consulting firm/contractor must provide the following:

- A. Site Assessment Plan. Within five (5) working days after contract award, submit two (2) copies of the site assessment work plan to the IDNR. The site assessment plan must contain the following items:
 1. SITE SAFETY. Assurances the health and safety precautions the consultant will observe while conducting the site assessment are in conformance with applicable OSHA requirements.
 2. SITE MAP. A map showing the pertinent site features (i.e., building, tanks, monitoring wells, roads, etc.) and the locations for proposed soil borings and monitoring wells.
 3. UTILITY CONDUITS. A discussion of the activities that will be conducted to evaluate the potential for utility conduits to provide a pathway for the movement of contamination.
 4. FREE PRODUCT. A discussion of how free product will be dealt with if it is identified during the site assessment phase of the investigation.
 5. SOIL BORINGS.
 - a. Drilling method.
 - b. A discussion of the basis for determining the location and minimum number of borings to be placed at the site.
 - c. A discussion of the approach that will be taken to determine the location and number of additional borings required.
 - d. Activities taken to prevent cross contamination.
 6. SOIL SAMPLINGS.
 - a. Discussion of how vapor analyzing equipment will be utilized.
 - b. Method for obtaining soil samples.
 - c. Chain of custody procedures.
 - d. Sample preservation procedures.
 - e. Brief description of the methods that will be used to construct boring logs.
 - f. Qualifications of the individual logging the borings.
 7. MONITORING WELLS.
 - a. Drilling method.
 - b. Activities taken to prevent cross contamination.
 - c. A discussion of the basis for determining the location and minimum number of monitoring wells to be placed at the site.
 - d. A discussion of the approach that will be taken to determine the location and number of additional monitoring wells required.

- e. Illustration or discussion of monitoring well construction specifications.
- f. Discussion of monitoring well development activities.
- g. Methodology used to determine ground water levels.

8. WATER QUALITY MONITORING.

- a. Sampling methodology.
- b. Measures to prevent contamination.
- c. Sample preservation measures.
- d. Chain of custody procedures.

9. SAMPLE ANALYSIS.

- a. Analytical methodology. Statement indicating the samples will be analyzed using departmental analytical methods OA-1 and OA-2. If an alternative analytical method is proposed, provide documentation indicating it is qualitatively equivalent to OA-1 and OA-2.
- b. Analytes. Statement indicating the soil and groundwater samples will be analyzed for benzene, toluene, xylene and total organic hydrocarbons (as determined by the extraction and purge & trap sample preparation method).

10. DATA ANALYSIS. A discussion of the procedures that will be used to develop assessment report documents. The documents must be based on data obtained during field work. The documents should include but not be limited to:

- a. Groundwater contour map.
- b. Topographic map of the site developed from work done at the site, USGS or city surveys where available.
- c. Site characterization map (i.e., a map that provides information on the site and surrounding area. The map would typically show residences, water wells, buildings, water ways, utility conduits, underground storage tanks (active & abandoned, etc.).
- d. Direction of groundwater flow.
- e. Soil contamination plume map depicting the extent of soils exceeding the IDNR remediation standards.
- f. Groundwater contamination plume map depicting the extent of contamination exceeding the IDNR remediation standards.
- g. Stratigraphically correlated hydrogeologic cross section or three dimensional diagram developed from borings at the site which adequately define spatial relationships between subsurface features.
- h. Evaluation of the potential impact of the contamination to effect water wells, residences, buildings, etc.
- i. Inventory of underground storage tanks at the site and their compliance status with the leak detection requirements.

- B. Site Assessment Report. Within 90 days after approval of the site assessment plan, submit two copies of the site assessment report. The site assessment report must contain the following items developed from data obtained during field work:

1. Groundwater contour map.
2. Topographic map of the site developed from work done at the site, USGS or city surveys where available.
3. Site characterization map (i.e., a map that provides information on the site and surrounding area. The map would typically show residences, water wells, buildings, water ways, utility conduits, underground storage tanks (active & abandoned, etc.).
4. Direction of groundwater flow.
5. Soil contamination plume map depicting the extent of soils exceeding the IDNR remediation standards.
6. Groundwater contamination plume map depicting the extent of contamination exceeding the IDNR groundwater remediation standards.
7. Stratigraphically correlated hydrogeologic cross section or three dimensional diagram developed from borings at the site which adequately define spatial relationships.
8. Evaluation of the potential impact of the contamination to effect water wells, residences, buildings, etc.
9. Inventory of underground storage tanks at the site and their compliance status with the leak detection requirements.
10. Analytical data sheets.
11. Soil boring logs.
12. Conclusions concerning the extent of the contamination, its past and projected movement and an identification of the source or sources.

APPENDIX B

GENERAL TERMS AND CONDITIONS

CONTENTS

1. Responsibility of the Contractor	17
2. Key Personnel	17
3. Assignment	18
4. Inspection of Work	18
5. Safety and Health	18
6. Supervision and Working Procedures	18
7. Permits and Responsibilities	18
8. Compliance With Laws	19
9. Interference With Adjoining Properties	19
10. Differing Site Conditions	19
11. Excusable Delays	20
12. Suspension of Work	20
13. Changes: Time and Materials	21
14. Subcontracts	21
15. Liability Insurance	22
16. Indemnification	22
17. Employment Taxes	23
18. Final Payment	23
19. Privity of Contract	23
20. Audit: Access to Records	23
21. Property	24
22. Termination	25
23. Remedies	26
24. Gratuities	26
25. Covenant Against Contingent Fees	26
26. Utilization of Small, Minority, and Women's Business	27
27. Equal Opportunity	27
28. Litigation Responsibilities	29
29. Availability of Funds.	29
30. Violating Facilities	29
31. Energy Efficiency	29
32. Cost and Pricing Data	29
33. Cost Principles	30
34. Patent and Copyright Infringement Notice and Assistance	30
35. Rights in Patents.	31
36. Rights in Data and Copyrights.	31

GENERAL TERMS AND CONDITIONS

1. RESPONSIBILITY OF THE CONTRACTOR

The contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards. All personnel used by the Contractor in the performance of the work shall be qualified by training and experience to perform their assigned tasks.

The Contractor shall provide and pay all labor, materials, equipment, tools, construction equipment and machinery, transportation, and other services necessary for the proper execution and completion of the work.

The Contractor is responsible for the professional quality, technical accuracy, timely completion and coordination of all designs, drawings, specifications, reports and other services furnished by the Contractor under this contract. If the contract involves environmental measurements or data generation, the Contractor shall comply with IDNR quality assurance requirements. The Contractor shall without additional compensation, correct or revise any errors, omissions or other deficiencies in his designs, drawings specifications, reports and other services.

The Contractor shall perform professional services necessary to accomplish the work specified in this contract in accordance with this contract and applicable EPA requirements in effect on the date of execution of the contract.

The IDNR's approval of drawings, designs, specifications, reports and incidental work or materials furnished hereunder shall not in any way relieve the Contractor of responsibility for the technical adequacy of this work. The IDNR's review, approval, acceptance or payment for any of the services shall be construed as a waiver of any rights under this agreement or of any cause for action arising out of the performance of this contract.

The Contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the IDNR or the Government caused by the Contractor's negligent performance of any of the services furnished under this contract, except for errors, omissions or other deficiencies to the extent attributable to the IDNR, IDNR furnished data or any third party. The Contractor shall not be responsible for any time delays in the project caused by circumstances beyond the Contractor's control.

The Contractor's obligation under this section are in addition to the Contractor's other express or implied assurances under this contract or state law and in no way diminish any other rights that the IDNR may have against the Contractor for faulty materials, equipment or work.

2. KEY PERSONNEL

It having been determined that the employees whose names appear in this contract Schedule, or persons approved by the IDNR as persons of substantially equal abilities and qualifications, are necessary for the successful performance of this contract, the Contractor agrees to assign such employees or persons to the

performance of the work under this contract and shall not reassign or remove any of them without the consent of the IDNR. Whenever, for any reason, one or more of the aforementioned employees is unavailable for assignment for work under the contract, the Contractor shall, with the approval of the IDNR, replace such employee with an employee of substantially equal abilities and qualifications. Submit change requests to Phyllis Koger.

3. ASSIGNMENT

Neither this contract nor any interest therein nor claim thereunder shall be assigned or transferred by the Contractor, except as expressly authorized in writing by IDNR.

4. INSPECTION OF WORK

The IDNR LUST Coordinator, and any person authorized by him, shall at all times have access to the work and to all workshops and places where work is being prepared or from where materials or machinery are being obtained for the work, and the Contractor shall afford every facility for and every assistance in obtaining the right to such access.

5. SAFETY AND HEALTH

The Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the work to be performed.

The Contractor shall erect and maintain, as required by existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations, and notifying adjacent landowners.

6. SUPERVISION AND WORKING PROCEDURES

The Contractor shall supervise and direct the work, using its best skill and attention, and shall be solely responsible for all means, methods, techniques, sequences, and procedures and also for coordinating all portions of the work under the contract.

The Contractor shall employ a competent supervisory personnel and necessary assistants who shall be in attendance at the site during the progress of the work.

7. PERMITS AND RESPONSIBILITIES

The Contractor shall secure and pay for all permits, licenses, and governmental fees necessary for the proper execution and completion of the work.

The Contractor shall give all notices and comply with all laws, ordinances, rules, regulations, and orders of any public authority bearing on the performance of the work.

The Contractor shall be responsible for all damages and shall indemnify and save IDNR harmless from and against all additional cost, damages, and liability which may arise out of the failure of the Contractor to secure and pay for any such licenses and permits or to comply fully with any and all applicable laws, ordinances, rules, and regulations.

8. COMPLIANCE WITH LAWS

The Contractor shall conform in all respects with the provisions of any Statute, Ordinance, or Law, and the regulations of any local or other duly constituted authority which may be applicable to the work, and shall keep IDNR indemnified against all penalties and liability of every kind for breach of any such Statute, Ordinance, Law, or regulation.

9. INTERFERENCE WITH ADJOINING PROPERTIES

All operations necessary for the execution of the work shall, so far as compliance with the requirements of the contract permit, be carried on so as not to interfere unnecessarily or improperly with the convenience of the public, or the access to, use, and occupation of public or private roads and footpaths. The Contractor shall save harmless and indemnify IDNR in respect of all claims, proceedings, damages, costs charges, and expenses whatsoever arising out of, or in relation to, any such matters insofar as the Contractor is responsible therefore.

10. DIFFERING SITE CONDITIONS

The contractor shall promptly, and before such conditions are disturbed, notify IDNR in writing of:

- Subsurface or latent physical conditions at the site differing materially from those indicated in this contract.
- Unknown physical conditions at the site of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract.

The IDNR shall promptly investigate differing site conditions. If they find that conditions materially differ and will cause an increase or decrease in the Contractor's cost or the time required to perform any part of the work under this contract, whether or not changed as a result of such conditions, IDNR shall make an equitable adjustment and modify the contract in writing.

No claim of the Contractor under this section shall be allowed unless the Contractor has given the notice as required above.

No claim by the Contractor for an equitable adjustment shall be allowed if asserted after final payment under this contract.

11. EXCUSABLE DELAYS

Except for defaults of subcontractors, the Contractor shall not be in default because of any failure to perform this contract under its terms if the failure arises from causes beyond the control and without the fault or negligence of the Contractor. Examples of these causes are (1) acts of God or of the public enemy, (2) acts of the Government or the State of Iowa in either their sovereign or contractual capacity, (3) fires, (4) floods, (5) epidemics, (6) quarantine restrictions, (7) strikes, (8) freight embargoes, and (9) unusually severe weather conditions. In each instance, the failure to perform must be beyond the control and without the fault or negligence of the Contractor. "Default" includes failure to make progress in the work so as to endanger performance.

If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if the cause of the failure was beyond the control of both the Contractor and the subcontractor, and without the fault or negligence of either, the Contractor shall not be deemed to be in default, unless--

- (1) The subcontracted supplies or services were obtainable from other sources.
- (2) The IDNR ordered the Contractor in writing to purchase these supplies or services from the other source.
- (3) The Contractor failed to comply reasonably with this order.

Upon request of the Contractor, the IDNR shall ascertain the facts and extent of the failure. If the IDNR determines that any failure to perform results from one or more of the causes above, the delivery schedule shall be revised, subject to the rights of IDNR under the termination clause of this contract.

12. SUSPENSION OF WORK

IDNR may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as IDNR may determine to be appropriate for the convenience of IDNR.

If the performance of all or any part of the work is suspended, delayed, or interrupted for an unreasonable period of time by an act of IDNR in administration of this contract, or by IDNR's failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), IDNR shall make an adjustment for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and modify the contract in writing. However, no adjustment shall be made under this section for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the Contractor, or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

No claim under this section shall be allowed (1) for any costs incurred more than 20 days before the Contractor notified IDNR in writing of the act, or failure to act, involved (this requirement does not apply to a claim resulting from a

suspension order), or (2) unless the amount claimed is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption, but no later than the date of final payment under the contract.

13. CHANGES: TIME AND MATERIALS

(a) The IDNR may at any time, by written order, make changes within the general scope of this contract in the services or work to be performed, including:

- (1) Drawings, designs, or specifications;
- (2) Method of shipment or packing;
- (3) Place of delivery; or,
- (4) Method or manner of performance of the work

(b) If such change causes an increase or decrease in any hourly rate, the ceiling price, or the time required for performance of any part of the work under this contract, whether or not changed by any order, or otherwise affects any other terms and conditions of this contract, the IDNR shall make an equitable adjustment, as appropriate, in the (1) ceiling price, (2) hourly rates, (3) delivery schedule, and (4) other affected terms, and shall modify the contract accordingly.

(c) The Contractor must submit any "proposal for adjustment" under this clause within 30 days from the date of receipt of the written order. However, if the IDNR decides that the facts justify it, the IDNR may receive and act upon a proposal for adjustment submitted before final payment of the contract.

(d) No services for which the Contractor will charge an additional compensation shall be furnished without the written authorization of IDNR.

(e) Failure to agree to any adjustment shall be handled as a dispute under the Remedies clause. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

14. SUBCONTRACTS

Any subcontractors and outside associates or consultants required by the Contractor in connection with the services covered by this contract will be limited to such individuals or firms as were specifically identified and agreed to during negotiations, or as specifically authorized by IDNR during the performance of this contract. Any substitutions in or additions to such subcontractors, associates, or consultants will be subject to the prior approval of IDNR.

The Contractor shall submit to IDNR a copy of each subcontract which it enters into with subcontractors. The Contractor shall submit this copy to Phyllis Koger within seven (7) days of the date on which the Contractor enters into the subcontract with the subcontractor.

15. LIABILITY INSURANCE

Before commencing the execution of the work, the Contractor shall insure against its liability for any material or physical damage, loss, or injury which may occur to any property, including that of IDNR, or to any person, including any employee of IDNR, by or arising out of the execution of the work or in the carrying out of the contract.

Such insurance shall be effected with an insurer approved by the State of Iowa and for at least the policy amounts stated below. The Contractor shall provide to Phyllis Koger a certificate of insurance for at least the minimum amounts as specified below.

No policy shall be allowed to expire, be cancelled, or be materially changed to affect the coverage available to IDNR without thirty (30) days' written notice to IDNR. The insurance certificate is not valid unless countersigned by an authorized representative of the insurance company.

Type of Insurance	Minimum Insurance Coverage			
	Bodily Injury and Consequent Death		Property Damage	
Thirty-Day Notice of Cancellation Required on All Certificates	Per Person	Each Occurrence	Each Occurrence	Aggregate
Public Liability	--	\$1,000,000	\$250,000	\$500,000
Contractual Liability Covering Indemnification Requirements of Clause No. 16, Below	--	\$1,000,000	\$250,000	\$500,000
Automobile Liability Owned, Nonowned, or Rented	\$250,000	\$ 500,000	\$100,000	No Limit
Worker's Compensation (In accordance with the law of the State of Iowa)				

16. INDEMNIFICATION

The Contractor agrees to jointly and severally indemnify and hold the IDNR, the state, the Government, its successors and assignees harmless from and against all liability, loss, damage or expense including reasonable attorney's fees which the IDNR may incur or sustain by reason of the failure of the Contractor to fully perform and comply with the terms and obligations of this contract.

The Contractor shall indemnify and hold the IDNR, the state, the Government, its successors and assignees harmless from all liability, loss, damage or expense including reasonable attorney's fees resulting from any suits, claims or actions brought for or on account of any injuries the Contractor or any persons working for the Contractor incur while carrying out the terms of this contract.

17. EMPLOYMENT TAXES

The Contractor shall have full and exclusive liability for the payment of any and all taxes and contributions for unemployment insurance, worker's compensation, old age retirement benefits, and similar pensions and annuities which may now or hereafter be imposed by any governmental authority, whether measured by the wages, salaries, or remuneration paid to persons employed by Contractor or otherwise, for the work. The Contractor shall comply with all decrees, laws on such subjects, including all rules and regulations, and shall maintain suitable forms, books, and records and save IDNR free and harmless from, and hereby indemnifies IDNR against, liability for the payment of any and all such taxes, excises, assessments, or other charges levied by any governmental authority on or because of the work.

18. FINAL PAYMENT

Upon satisfactory completion of the work performed under this contract, as a condition before final payment under this contract or as a termination settlement under this contract, the Contractor shall execute and deliver to IDNR a release of all claims against IDNR arising under, or by virtue of, this contract, except claims which are specifically exempted by the Contractor to be set forth therein. Unless otherwise provided in this contract, by State law or otherwise expressly agreed to by the parties to this contract, final payment under this contract or settlement upon termination of this contract shall not constitute a waiver of IDNR's claims against the Contractor or his sureties under this contract or applicable performance and payment bonds.

19. PRIVACY OF CONTRACT

This contract is expected to be funded in whole or in part with funds from the Government. Neither the United States nor any of its departments, agencies, or employees is, or will be, a party to this contract or any subcontractor or any lower tier contract.

20. AUDIT: ACCESS TO RECORDS

The Contractor shall maintain books, records, documents and other evidence directly pertinent to performance on work under this contract in accordance with generally accepted accounting principals and practices consistently applied. The Contractor shall also maintain the financial information and data used in the preparation or support of the cost submission required for any negotiated contract or change order and a copy of the cost summary submitted to the IDNR. The Government, the IDNR, and the State of Iowa or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of

inspection, audit and copying during normal business hours. The Contractor will provide proper facilities for such access and inspection.

The Contractor agrees to make this clause applicable to all negotiated change orders and contract amendments affecting the contract price and that it will be applicable to all subcontracts the Contractor awards in excess of \$10,000, at any tier, and this clause will be applicable to all change orders directly related to the project performance.

Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

The Contractor agrees to disclose all information and reports resulting from access to records under this clause to any authorized agencies.

Records shall be maintained by the Contractor during performance of this contract and for the time periods specified in Article 10. In addition, those records which relate to any controversy arising from this contract, litigation, the settlement of claims arising out of the performance or to costs or items to which an audit exception has been taken shall be maintained by the Contractor until final settlement.

Access to records is not limited to the required retention periods. The authorized representatives designated this clause shall have access to records at any reasonable time for as long as the records are maintained.

This right of access clause applies to all records pertaining to all contracts, contract change orders and contract amendments to the extent the records pertain directly to the contract performance; if there is any indication that fraud, gross abuse or corrupt practices may be involved; or the contract is terminated for default or for convenience.

21. PROPERTY

Unless the parties hereto otherwise agree, title to all tangible property procured with IDNR funds during the performance of this contract with an acquisition cost in excess of \$500 shall vest at the time of purchase in IDNR, including without limitation all property which is assembled, constructed, fabricated, or produced from equipment, material, structures, and/or test apparatus with unit costs of less than or equal to \$500 but with an aggregate cost in excess of \$500. Contractor purchases such property on behalf of IDNR. Contractor shall exercise reasonable care in the custody and maintenance of all such property in its control and shall obtain and maintain adequate insurance coverage to satisfy all claims of any kind arising from Contractor's custody and maintenance of such property until disposal of such property by IDNR.

Contractor shall identify each item of property which falls under these provisions by notifying Phyllis Koger and request issuance of IDNR inventory tags. Contractor shall maintain a list of all property purchased hereunder which is the property of

IDNR; such list, at a minimum, shall refer to the item description, acquisition date, acquisition cost, serial number, general location and IDNR inventory tag number. A copy of the property list then current shall be submitted to Phyllis Koger upon completion of the contract.

Contractor shall not lease or rent property for use in performing the work where the aggregate of charges for each individual item of property exceeds \$1,000 during the period of performance of this contract, without the prior written approval of IDNR.

22. TERMINATION

This contract may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this contract through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

This contract may be terminated in whole or in part in writing by IDNR for its convenience, provided that the Contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

If termination for default is effected by IDNR, an equitable adjustment in the price provided for in this contract shall be made, but no amount shall be allowed for anticipated profit on unperformed services or other work, and any payment due to the Contractor at the time of termination may be adjusted to cover any additional costs to IDNR because of the Contractor's default. If termination for the default is effected by the Contractor, or if termination for convenience is effected by IDNR, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the Contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the Contractor relating to commitments which had become firm prior to the termination. The IDNR will not provide reimbursement for any new commitments after the notice of termination.

Upon receipt of a termination action, the Contractor shall promptly discontinue all affected work (unless the notice directs otherwise), and deliver or otherwise make available to IDNR all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the Contractor in performing this contract, whether completed or in process.

Upon termination, IDNR may take over the work and may award another party a contract to complete the work under this contract.

If, after termination for failure of the Contractor to fulfill contractual obligations, it is determined that the Contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of IDNR. In such event, adjustment of the contract price shall be made as provided in this clause.

3. REMEDIES

Unless otherwise provided in this contract, all claims, counter-claims, disputes, and other matters in question between IDNR and the Contractor arising out of, or relating to, this contract or the breach of, will be decided by arbitration as specified in the contract, if the parties mutually agree, or in a court of competent jurisdiction within the State of Iowa. All claims, counterclaims, disputes or other matters will be determined by the laws of the State of Iowa unless federal law or regulation govern.

24. GRATUITIES

If IDNR finds after a notice and hearing that the Contractor or any of the Contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts, or otherwise) to any official, employee, or agent of IDNR, the State of Iowa, or the Government in an attempt to secure a contract or favorable treatment in awarding, amending, or making any determinations related to the performance of this contract, IDNR may, by written notice to the Contractor, terminate this contract. IDNR may also pursue other rights and remedies that the law or this contract provides. However, the existence of the facts on which IDNR bases such finding shall be an issue and may be reviewed in proceedings under the Remedies clause of this contract.

In the event this contract is terminated as provided above, IDNR may pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by IDNR) which shall be not less than three or more than ten times the costs the Contractor incurs in providing any such gratuities to any such officer or employee.

25. COVENANT AGAINST CONTINGENT FEES

The Contractor assures that no person or selling agency has been employed or retained to solicit or secure this contract or understanding for a commission, percentage, brokerage, or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this assurance IDNR shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

The Contractor also assures that he/she presently has no interest and shall not acquire any interest, direct and indirect, which would conflict in any manner or degree with the performance of services required under this contract. The Contractor further assures that in the performance of this contract no person having any such interest shall be employed.

26. UTILIZATION OF SMALL, MINORITY, AND WOMEN'S BUSINESS

The Contractor agrees that qualified small, minority, and women's business enterprises shall have the maximum practicable opportunity to participate in the performance of this contract. The contractor agrees to take the following steps when awarding subcontracts:

- Including qualified small, minority, and women's business on solicitation lists.
- Assuring that small, minority, and women's businesses are solicited whenever they are potential sources.
- Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's business.
- Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority, and women's businesses.
- Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce, as appropriate.

27. EQUAL OPPORTUNITY

If, during any 12-month period (including the 12 months preceding the award of this contract), the Contractor has been or is awarded nonexempt Government contracts and/or subcontracts that have an aggregate value in excess of \$10,000, the Contractor shall comply with subparagraphs (1) through (11) below. Upon request, the Contractor shall provide information necessary to determine the applicability of this clause.

During performing this contract, the Contractor agrees as follows:

- (1) The Contractor shall not discriminate against any employee or applicant for employment because of race, creed, color, religion, sex, national origin, age, or mental or physical disability.
- (2) The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, religion, sex, national origin, age or mental or physical disability except where mental or physical ability relates to a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor's business. This shall include, but not be limited to employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship.
- (3) The Contractor shall post in conspicuous places available to employees and applicants for employment the notices to be provided by Phyllis Koger that explain this clause.

- (4) The Contractor shall, in all solicitations or advertisement for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, sex, national origin, age or mental or physical disability except where mental or physical ability is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor's business.
- (5) The Contractor shall send, to each labor union or representative of workers with which it has a collective bargaining contract other contract or understanding, the notice to be provided by Phyllis Koger advising the labor union or workers' representative of the Contractor's commitments under this clause, and post copies of the notice in conspicuous places available to employees and applicants for employment.
- (6) The Contractor shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor and the State of Iowa.
- (7) The Contractor shall permit access to its books, records, and accounts by IDNR or the Office of Federal Contract Compliance Programs (OFCCP) for the purposes of investigation to ascertain the Contractor's compliance with the applicable rules, regulations, and orders.
- (8) If the OFCCP determines that the Contractor is not in compliance with this clause or any rule, regulation, or order of the Secretary of Labor, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts, under the procedures authorized in Executive Order 11246, as amended. In addition, sanctions may be imposed and remedies invoked against the Contractor as provided in Executive Order 11246, as amended, the rules, regulations, and orders of the Secretary of Labor and the State of Iowa, or as otherwise provided by law.
- (9) The Contractor shall include the terms and conditions of subparagraphs (1) through (9) of this clause in every subcontract or purchase order that is not exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon each subcontractor or vendor.
- (10) The Contractor shall take such action with respect to any subcontract or purchase order as IDNR may direct as a means of enforcing these terms and conditions, including sanctions for noncompliance; provided, that if the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of any direction, the Contractor may request the State of Iowa or the Government to enter into the litigation to protect the interests of the State of Iowa or the Government.

Notwithstanding any other clause in this contract, disputes relative to this clause will be governed by the procedures in 41 CFR 60-1.1.

28. LITIGATION RESPONSIBILITIES

It is anticipated that the selected Contractor may be called upon to provide factual and expert testimony on behalf of the State, Government or political subdivisions of the state in administrative procedures or lawsuits regarding the sites in question. The selected Contractor will be required to agree to provide consultations and serve as trial witness on issues relating to the subject matter of the contract. Although this work is not included in the scope of this RFP, the hourly rate for such work shall be at the same as for the other work carried out under the contract. Certain reports or other work may be undertaken at the direction of government attorneys. Such work shall constitute trial preparation and may not be disclosed without the prior consent of those attorneys.

29. AVAILABILITY OF FUNDS

If funds anticipated for the continued fulfillment of this contract are at any time not forthcoming or insufficient, either through the failure of the Government or of the State of Iowa to appropriate funds, or discontinuance or material alteration of the program under which funds were provided, then the IDNR shall have the right to terminate this contract without penalty in accordance with the termination clause of the contract by giving not less than thirty (30) days written notice documenting the lack of funding.

30. VIOLATING FACILITIES

The Contractor shall comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and EPA regulations (40 CFR Part 15) which prohibit the use, under nonexempt Federal contracts, grants or loans in excess of \$100,000, of facilities included on the EPA List of Violating Facilities.

31. ENERGY EFFICIENCY

The Contractor shall comply with mandatory standards and policies on energy efficiency contained in the state's energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

32. COST AND PRICING DATA

The Contractor, where appropriate, assures that the cost and pricing data submitted for evaluation with respect to negotiation of prices for this contract is based on current, accurate and complete data supported by their books and records. If the Department determines that any price (including profit) negotiated in connection with this contract or amendment thereunder was increased by any significant sums because the data provided was incomplete, inaccurate or not current at the time of submission, then such price or cost or profit shall be reduced accordingly and the Contractor shall modify the contract in writing to reflect such action. Failure to agree on a reduction shall be subject to the Remedies clause of this contract.

33. COST PRINCIPLES

The Contractor must comply with the cost principles contained in the Federal Acquisition Regulation, 48 CFR Part 31, Subparts 31.1 and 31.2, to determine allowable costs. Unallowable costs under this contract include, but are not limited to the following:

- a. Legal expenses for the prosecution of claims against the IDNR, the State of Iowa, the Government or any subdivision thereof are unallowable.
- b. The difference in cost between first-class air accommodations and less-than-first-class air accommodations, unless less-than-first-class air accommodations are not reasonably available, are unallowable.
- c. Cost incurred prior to the effective date of the contract are unallowable.
- d. Costs of preparing proposals for potential contracts are unallowable.
- e. Any losses arising from uncollectable accounts and other claims, and related costs, are unallowable.
- f. Contributions to a contingency reserve or any similar provision for unforeseen events are unallowable.
- g. Contributions and donations are unallowable.
- h. Costs of amusements, social activities, and incidental costs relating thereto, such as meals, beverages, lodgings, rentals, transportation, and gratuities, are not allowable.
- i. Costs resulting from violations of, or failure to comply with Federal, State and local laws and regulations are generally unallowable.
- j. Interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith, are unallowable except when authorized by Federal legislation.

34. PATENT AND COPYRIGHT INFRINGEMENT NOTICE AND ASSISTANCE

The Contractor agrees to report to the IDNR director promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

In the event of any claim or suit against the IDNR, the State of Iowa, or the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor agrees to furnish to the IDNR, when requested by the director, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the IDNR except where the Contractor has agreed to indemnify the IDNR.

35. RIGHTS IN PATENTS

If the Contractor or any or all of its employees or agents invents or discovers any new useful process, machine, manufacture or composition of material, or any new and useful improvement thereof, as a result of work performed under this contract, the Contractor shall immediately provide written notice of the discovery to the IDNR director. If the Contractor has not filed a patent application within six months of notice to the director of a discovery, the IDNR may apply for a patent for the discovery on behalf of the State of Iowa.

The Contractor shall notify the IDNR in writing of the issuance of a patent to the Contractor or the Contractor's employees or agents for any discovery resulting from work performed as a result of this contract. The State of Iowa, its political subdivisions, its departments and its divisions shall be entitled to an irrevocable royalty-free license for governmental purposes under any patent held by the Contractor or the Contractor's employees or agents and originating from work performed under this contract.

36. RIGHTS IN DATA AND COPYRIGHTS

Contractor agrees to maintain (in sufficient detail as will properly reflect all work done and results achieved in the performance of this contract) books, records, reports, research notes, charts, graphs, computations, analyses, recordings, photographs, computer programs and documentation thereof, computer information storage means, samples of materials, and other graphic or written data generated in connection with the work.

The term "subject data" as used in this clause includes writing, technical reports, sound recordings, magnetic recordings, computer programs, computerized data bases, data bases in hard copy, pictorial reproductions, plans, drawings, including engineering or manufacturing drawings, specifications, or other graphical representations, and works of any similar nature (whether or not copyrighted) which the Contractor submits or which the IDNR specifies to be delivered under this contract or which the Contractor develops or produces and the IDNR pays for under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

All subject data procured hereunder shall become the property of IDNR and be delivered to IDNR upon request; provided, however, that Contractor may retain a copy for its use and shall not be required to retain any subject data not requested by IDNR within three (3) years from the date of final payment to Contractor hereunder; and provided, further, that until the delivery of subject data to IDNR, Contractor agrees to permit representatives of IDNR, the Government or authorized representatives to examine and review at reasonable times all subject data still in the possession of Contractor.

IDNR and the Government may publish, reproduce, distribute, and use all or any part of the subject data, in any manner and for any purpose, without limitation, and may authorize others to do the same. Contractor agrees that it will not assert any copyright at common law or equity and will not establish any claim to a statutory copyright on any subject data. Prior to disclosure to the public by IDNR, Contractor agrees not to publish or make available to others, except

representatives of IDNR and the Government any subject data or any information or communications concerning subject data without the written approval of IDNR.

Any computer programs especially developed or substantially modified by Contractor during the course of work under this contract for delivery to IDNR will be supplied in a form which may be used independently of Contractor's proprietary programs or computer configurations. Title and ownership of such programs shall reside in IDNR.

The Contractor shall not include in the subject data any copyrighted matter without the written approval of the director, unless he or she provides the IDNR with the written permission of the copyrighted owner for the IDNR to use the copyrighted matter.

Nothing contained herein shall imply a license to the IDNR under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the IDNR under any patent.

Notwithstanding any provisions of this contract concerning inspection and acceptance, the IDNR shall have the right at any time to modify, remove, obliterate, or ignore any marking restricting disclosure of subject data if the marking is not authorized by the terms of this contract.

Data need not be furnished for standard commercial items or services which are normally sold, or have been sold, or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed or investigated under this contract if, in lieu thereof, identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the IDNR to procure the part or practice the process, or acquire an adequate substitute, are furnished.

The Contractor shall exert all reasonable effort to advise the director of the IDNR, at the time of delivery of the subject data furnished under this contract, of all invasions of the right-of-privacy contained therein and of all portions of such data copied from work not composed or produced in the performance of this contract and not licensed under this section.

The Contractor shall report to the director of the IDNR, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the Contractor with respect to all subject data delivered under this contract. On receipt of this information, the parties hereto agree to confer to determine future uses to be made of the subject data.

Except as otherwise authorized in writing by IDNR, Contractor will insert into all subcontracts provisions making this section applicable to the subcontractor and its employees.

BUDGET

TASK 1 WORK PLAN

Pricing Components	1 Work Hours	<u>Proposed Direct Services</u>			Subtotal 1 x 4
		2 Cost	3 + Profit	4 = Hourly Rate	

Professional Personnel

1. John Hartwell	2	\$102.18	\$ 15.32	\$117.50	\$ 235.00
2. Dennis Appelhons	2	72.30	10.85	83.15	166.30
3. David Beem	1	72.30	8.60	83.15	83.15
4. David Jordan	20	57.31	8.60	65.91	1,318.20

Support Personnel

1. Draftsman	10	25.54	3.83	29.37	293.37
2. Secretary	5	25.70	3.86	29.56	147.80

TOTAL PERSONNEL					\$2,243.82
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Other Direct Costs

1. Computer Time (10 hours @ \$20/hour = \$200

TOTAL \$ 200.00

TOTAL NOT-TO-EXCEED COST \$2,443.82

BUDGET

TASK 2 SOIL VAPOR SURVEY FIELD WORK

Pricing Components	<u>Proposed Direct Services</u>				Subtotal 1 x 4
	1 Work Hours	2 Cost +	3 Profit =	4 Hourly Rate	
<u>Professional Personnel</u>					
1. David Svingen	1	\$102.18	\$15.32	\$117.50	\$ 117.50
2. David Jordan	6	57.31	8.60	65.91	395.46
3. John Howe	45	57.31	8.60	65.91	2,965.95
4. Ken Mertl	40	57.31	8.60	65.91	2,636.40
TOTAL PERSONNEL					\$ 6,115.31

Transportation and Per Diem

1. 540 miles vapor van x 0.40/mile = \$216.00
2. 3 days x 2 personnel x \$55/day = 330.00
3. 340 miles support vehicle x 0.40/mile = 136.00

TOTAL \$ 682.00

Material and Equipment

1. 3 day rental for soil-vapor van x \$330/day = \$900
2. Expendable supplies for 60 holes x \$7.50/hole = \$450
3. Decon trailer 3 days x \$175/day = \$525

TOTAL \$ 1,875.00

Other Direct Costs

1. 6 soil samples for BTX @ \$120 each = \$720
2. 6 soil samples for TOH @ \$120 each = \$720

TOTAL \$ 1,440.00

TOTAL NOT-TO-EXCEED COST \$10,112.31

BUDGET

TASK 3 MONITORING WELL INSTALLATION FIELD WORK

Pricing Components	1	<u>Proposed Direct Services</u>			Subtotal 1 x 4
	Work Hours	2 Cost	3 + Profit	4 = Hourly Rate	
<u>Professional Personnel</u>					
1. John Hartwell	1	\$102.18	\$15.32	\$117.50	\$ 117.50
2. David Jordan	10	57.31	8.60	65.91	659.10
3. James Temple	48	45.73	6.86	52.59	2,524.32
4. Paul Green	48	38.11	7.39	45.50	2,184.00
TOTAL PERSONNEL					\$ 5,484.92

Transportation and Per Diem

1. Support vehicle mileage (340 miles x 0.40/mile)	= \$136.00
2. Per diem (4 days x 2 personnel x \$55/day)	= 440.00
3. Drill rig mileage (340 miles x 1.50/mile)	= 510.00
TOTAL \$ 1,086.00	

Material and Equipment

1. Well material (10 wells x \$300/well)	= \$3,000.00
2. Equipment Rental (4 days x 150/day)	= 600.00
3. Expendable supplies for 10 wells	= 349.30
4. Drill Rig (3 days x \$300/day)	= 900.00
TOTAL \$ 4,489.30	

Other Direct Costs

1. 4 soil samples for BTX x \$120/sample	= \$ 480.00
2. 4 soil samples for TOH x \$120/sample	= 480.00
3. 20 water samples for BTX x \$80/sample	= 1,600.00
4. 20 water samples for TOH x \$80/sample	= 1,600.00
TOTAL \$ 4,160.00	

TOTAL NOT-TO-EXCEED COST \$15,580.22

BUDGET

TASK 4 FINAL REPORT PREPARATION

Pricing Components	1	<u>Proposed Direct Services</u>			Subtotal 1 x 4
	Work Hours	2 Cost +	3 Profit =	4 Hourly Rate	
<u>Professional Personnel</u>					
1. David Svingen	4	\$102.18	\$15.32	\$117.50	\$ 440.00
2. David Jordan	50	57.31	8.60	65.91	3,295.50
3. Dennis Appelhons	4	72.30	10.85	83.15	332.60
<u>Support Personnel</u>					
1. Draftsman	20	25.54	3.83	29.37	587.40
2. Secretary	10	25.70	3.86	29.56	295.60
TOTAL PERSONNEL					\$ 4,951.10
<u>Other Direct Costs</u>					
1. Computer time (10 hours @ \$20/hour)			= \$200		
2. 5 additional report copies (\$10/report)			= 50		
TOTAL					\$ 250.00
TOTAL NOT-TO-EXCEED COST					\$ 5,201.10

BUDGET
SOIL REMOVAL AND DISPOSAL

Pricing Components	1 Work Hours	<u>Proposed Direct Services</u>			Subtotal 1 x 4
		2 Cost +	3 Profit =	4 Hourly Rate	
<u>Professional Personnel</u>					
1. David Jordan	4	\$ 57.31	\$ 8.60	\$ 65.91	\$ 263.64
<u>Support Personnel</u>					
1. Construction Worker	5	\$ 34.95	\$ 6.30	\$41.25	\$ 206.25
TOTAL PERSONNEL					\$ 469.89
<u>Transportation and Per Diem</u>					
1. Dump truck mileage (\$2.00 x 50 miles) = \$100					
					TOTAL \$ 100.00
<u>Material and Equipment</u>					
1. Loader (\$25.00 x 5 hours) = \$125					
					TOTAL \$ 125.00
<u>Other Direct Costs</u>					
1. Landfill disposal charges (11.70 yd ³ x 6 yd ³) = \$70.20					
					TOTAL \$ 70.20
TOTAL NOT-TO-EXCEED COST					\$ 765.09

Mr. Kuhn explained price proposals for the UST site assessment contract.

Chairperson Mohr asked if there are any Iowa companies that would do this work.

Mr. Kuhn responded that there are a lot of Iowa companies that are capable of doing the work but the department did not receive a reply from any Iowa companies.

Motion was made by Nancy Lee Siebenmann to award the Underground Storage Tank Phase I Site Assessment Contract to Terracon Environmental Inc., of Omaha, Nebraska. Seconded by Margaret Prah.

Rozanne King asked for an explanation of the contamination situation at Rock Rapids.

Mr. Stokes explained that Rock Rapids has several contaminated sites where people either had tanks in operation, or where people did not know tanks were there and they are not currently being used. There is general contamination where there are no specifically identified responsible parties. He added that we are using the priority system in federal LUST trust funds to do this kind of work where we do not have responsible parties, or the responsible parties are not responsive due to financial incapacibilities.

Clark Yeager asked if Dennis Appelhons, a former DNR employee, is working with Terracon Environmental and questioned whether there was anything prohibiting the department to do business with them because of that.

Mr. Kuhn responded that there is nothing to prevent the department from doing business with a former employee.

Discussion followed regarding TerraCon employee wages, contract Scope of Work, and sampling.

Vote on Commissioner Siebenmann's motion to award the contract to TerraCon Environmental, Inc. carried unanimously.

BUDGET, FY91, FY92, AND FY93

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

This item is intended to provide the Commissions a preliminary review of the FY91 budget, and an outline of the FY92 and FY93 budget request in terms of general priorities and changes or additions as compared to the fiscal year just completed and the

FY91 budget. Preliminary approval of the FY92 and FY93 request will be requested at the August meeting.

FY91 Budget. A schedule is attached showing, in total and by division, actual revenues and expenditures for FY87, FY88 and FY89. Also shown on the same schedules is a comparison of the draft FY91 budget to the FY90 budget. These schedules relate to the operations budget only. At this point, a comparison between the FY91 draft budget and the FY90 actual can be accomplished by using the information from the separate June 30 monthly Financial Status Report, keeping in mind that the June 30 report does not include all of the FY90 support expenditures.

Some modest adjustments to the FY91 draft budget can reasonably be expected as staff complete their review.

The following discussion, by division, is intended to summarize the major changes reflected in the FY91 draft and the issues and priorities that will be addressed in the FY92 and FY93 request.

State law requires that the budget request for FY92/93 be submitted in terms of a "base" which is defined as 75% of the current appropriation, and "decision packages" which are added to the "base" in priority order to arrive at the total budget request. The Department of Management has directed that the total agency request not be more than 10% higher than the current request, unless special permission is requested and received by August 1st.

Director's Office. This budget unit involves the operation of the Director's office and the support of both the EPC and the NRC. No significant changes are anticipated in the FY92 and FY93 request.

Coordination and Information Division. The FY91 budget reflects the addition of an attorney position to cope with increasing workload related to underground storage tanks. The support budget has been increased to purchase groundwater planning data and groundwater teaching materials. There is a decrease in the printing and professional services lines due to the completion of groundwater educational programs.

For the FY92 and FY93 request, about nine positions and support in the Legal, Information & Education and Planning areas would be eliminated at the base level. These existing positions would be added back, in several increments to reach the current budget level. Generally speaking, the increments reflecting the Information and Education positions have previously been ranked among the lowest priority decision packages within the overall agency ranking list.

Possible inclusions within this division include stronger support for the Geographical Information System project, and State participation in the Mississippi and Missouri Basin Associations.

Administrative Services Division. The FY91 budget includes two additional clerical positions funded by increased indirect charges relating to staffing increases in the Environmental Protection division. This reflects a basic need to meet routine clerical and accounting support for the remainder of the agency.

The DNR has experienced dramatic increases in postage costs during the past two years due primarily to new programs added under REAP and Groundwater. This year, and in the FY92/93 request, postage costs relating to special program mailings (reports, newsletters, licenses, etc.) will be charged back directly to each program instead of the indirect cost pool. General mailing costs will continued to be paid by the indirect pool. This move should help identify and control postage costs more effectively.

At the base level, the FY92/93 requests reflects a major reduction in both the Land Acquisition staff and the Construction Services staff. This is based on the concept that if the remainder of the DNR were reduced to 75% of the current level, it would be illogical to continue major acquisition and development projects. The remainder of the cuts to reach base would reflect cuts proportionate to the operating divisions in terms of general clerical and technical support.

These cuts would be added back to the base at reasonably high priority levels in order to meet demands by operating divisions, other governmental units and the public. It is probably that the FY92/93 request may include several additional clerical positions, increased technical support for records management, and upgrading existing computer resources. The administrative service area absorbed the bulk of the staffing cuts at reorganization, and there has been continual difficulty in providing the support services desired by the remainder of the agency.

Parks, Preserves and Recreation Division. The FY91 budget reflects a staffing increase related to continued trail renovation funded by transfers from the REAP Land Management Account. There is a significant increase in the Professional Services budget for endangered species research funded by Federal funds.

The FY92/93 request will probably include a request for increased maintenance support for items like picnic grills, tables, etc. The division sees a need to better promote and manage additional special events in State Parks and Recreation areas.

At the base level, staffing and related support will be reduced at a number of areas to reach the base level. As in previous years, these cuts will be added back in several decision package increments. These "restorations" will be given a very high priority compared to other agency decision packages. The

Preserves position and increased maintenance funding will probably be given a priority somewhat lower than the overall current level of operations.

Forests and Forestry. The FY91 budget reflects combining the separate appropriation for Loess Hills operations with the regular division budget, and moving the State Aid for fire departments from a special fund to the operations budget. Other than maintaining the increased staffing levels approved last year, no significant changes are reflected in FY91.

In FY92/93, the division anticipates requesting four new foresters to cope with additional requests for forestry assistance generated by REAP and Federal programs. Additional part time help is needed at the Nursery relative to expected higher production levels. A third full time position is desired for the Loess Hills Forest.

At the base level, the FY92/93 request will reflect a reduction of about nine positions relating to State Forest maintenance and the provision of landowner forestry services. These positions would be restored in several decision packages at a moderately high priority level. The additional positions described in the previous paragraph would be added at priority levels lower than the current level of DNR operations.

The budget request will probably also address a need to encourage additional tree planting via support for contract tree planting.

Energy and Geology Division. This division's FY91 budget reflects a continuation of a high level of activity related to Energy Conservation programs and active involvement in Groundwater issues.

As the Energy programs are funded primarily by Groundwater, Federal, and Utility Refund revenues, there would be no significant cuts within this area to reach base. On the other hand, the Geological Survey Bureau is heavily dependent on the General Fund. Therefore, the base will reflect cuts involving approximately seven positions relating to geological programs. These would be added back in decision package increments at a moderate priority level.

It is reasonable to anticipate that the budget request will address the need to adequately meet the DNR's responsibilities under the Energy Efficiency Act of 1990. This could involve as much as eight more staff and related support and contract funds.

The Geological Survey Bureau has had a continuing need to address a growing backlog relative to the analysis and storage of drill core samples. This involves additional technical staff and the expansion of the core storage "library." The research drilling rig needs to be replaced and Bureau computer resources needed to be updated.

Environmental Protection Division. In the FY91 budget, the division proposes to increase staffing in Air Quality by two staff, Water Supply by one position, Solid Waste by eight staff, and Leaking Underground Storage Tanks by six staff. These staff increases would be funded with additional available Federal funds (Air Quality and Storage Tanks) and available balances from Solid Waste fees (Solid Waste). Twelve of these positions would be located at field offices with the remainder located in the central office. These positions are needed to cope with the rapidly increasing workload in these programs. It is anticipated that it will require about four to six months to actually recruit and hire these additional staff, and that fact is reflected in the estimated vacancy rate.

While these positions were not included in last Fall's budget request, it appears that the Department of Management will approve these increases as long as the State General Fund is not affected.

The base budget for the FY92/93 request will probably reflect the reduction of about fourteen positions located in the Water and Floodplains programs. As these program areas are primarily funded by the State General Fund, cuts to reach base necessarily have to be concentrated in these areas. These positions would be restored in several decision package increments at a reasonably high priority level.

Last year's request included significant new support for Air Quality monitoring and Groundwater quality planning with State funds. These initiatives received strong support, both in the General Assembly and in the Governor's Office. However, they fell victim to budget constraints. The division expects to resubmit similar requests for reconsideration during this budget cycle.

Fish and Wildlife Division. The FY91 budget includes three additional conservation officer positions funded primarily by non-resident deer and turkey license revenue. Five positions are added to the Mississippi Monitoring project, funded entirely by Federal funds. No other changes from the current level are anticipated.

The base level for the FY92/93 request included reductions totaling about seventy-five positions equally divided among enforcement, wildlife and fisheries. Included within the cuts was the closing of the Rathbun Hatchery and major reductions in research efforts. As in previous budget cycles, these positions and related support will probably be restored in several decision package increments at a generally high priority level.

Even though workload is expected to increase relative to the management of additional public lands (REAP and PPJV), and increased enforcement expectations, the division does not

anticipate any program expansion, with the possible exception of the non-game area.

The failure to consider license fee increases during the past two sessions has placed continued operation of this division at the current level in jeopardy. On the other hand, the General Assembly authorized continued operations at the current level despite lack of support at current fee levels. This action can reasonably be interpreted as legislative intent not to decrease Fish and Wildlife programs.

The staff hopes to have an up-to-date fiscal analysis of this issue available to the NRC by the end of July.

Waste Management Authority Division. The Groundwater act was amended to provide continued support from Solid Waste fees. Federal grants were received for the Capacity Assurance Plan, Recycling Marketing efforts, and the preparation of education materials for the Household Hazardous Waste program. Thus, the FY91 budget reflects an increase in staffing of about two positions.

Because the division does not derive funds from the State General Fund, it is not necessary to reduce the budget to base and add decision packages to arrive at a total budget request.

The budget request relating to this division will address the issues of increased funding for Toxic Waste cleanup days, funding the Statewide Waste Reduction and Recycling Network in 455D.5, and management of Hazardous Waste sites.

General. Also included as an attachment is the base and decision priority ranking schedule submitted as part of the approved DNR budget request last year. It can reasonably be anticipated that the priority schedule submitted to the commissions in August will be similar. Thus, last year's schedule should be an aid to commissioners in recalling the process and reviewing last year's priority decisions.

Input from commissioners is needed, especially in terms of issues or priorities that may not adequately address your concerns. Legislative proposals are also being reviewed currently with the budget in an attempt to insure that legislative proposals requiring funding are adequately reflected in the forthcoming budget request.

(Budget is shown on the following 22 pages)

1

	A	B	C	D	E	F	G	H
1	*****							
2	TOTAL DEPARTMENT							
3	BUDGET SUMMARY							
4	JULY 1990	ACTUAL 1987	ACTUAL 1988	ACTUAL 1989	BUDGET 1990	BUDGET 1991		INCREASE 90 TO 91
5	*****							
6								
7	RESOURCES							
8								
9	GENERAL FUND	9644329	10752726	11778128	13411699	13773491		361792
10	FEDERAL FUNDS	4657352	4965069	5521959	6986373	8511308		1524935
11	CEDAR ROCK OPERATIONS	85877	80869	76731	88301	100467		12166
12	LOTTERY	155832	75000	75000	0	0		0
13	GW BIG SPRINGS G01	0	479522	614776	653697	691836		38139
14	GW DNR GENERAL G02	0	81040	804234	867279	858328		-8951
15	GW LAND FILL ALT OOC G03	0	23198	55529	0	0		0
16	GW SOLID WASTE G04	0	20829	179171	0	0		0
17	GW RURAL WELL ASSESSMENT G06	0	281908	270337	10000	0		-10000
18	STORAGE TANK ADM G12	0	35051	352204	66205	124557		58352
19	HOUSE HOLD HAZ WSTE ADM G17	0	96401	139980	158024	100482		-57542
20	WELL GRANTS PGM ADM G23	0	126	10814	29716	60715		30999
21	SOLID WASTE/LANDFILL ALT.	0	0	58184	200632	56082		-144550
22	SOLID WASTE ADM G29	0	156424	225883	293119	1013521		720402
23	WASTE MGT AUTH ADM G30	0	100447	158495	177811	61514		-116297
24	OIL OVERCHARGE	163653	279218	257918	1066199	931759		-134440
25	MARINE FUEL	558576	547179	550000	550000	550000		0
26	LEASE PURCHASE (SIFIC A&B)	12946	129154	153964	223099	231500		8401
27	UTILITY REFUND	477064.5	150755	282007	872470	650437		-222033
28	OTHER FUNDS	27862	56650	147937	432981	343313		-89668
29	LAND MGMT TRUST FUND	0	0	0	360329	426796		66467
30	CORPS PROJECTS	319302	236773	164644	390921	191884		-199037
31	PARK USER FEE	80143	150506	473104	0	0		0
32	FISH & WILDLIFE FUND	11430899	12471627	13376084	14230050	15247060		1017010
33	ADMINISTRATION FUND	299343	371120	316500	470500	593000		122500
34	CONSERVATION FUND	1694648	1949456	1912671	2273374	2325655		52281
35	TRANSFER F&W	2173353	2220245	2518854	2949365	2888006		-61359
36	-----							
37	TOTAL REVENUES	31781179	35711293	40475108	46762144	49731711		2969567
38	-----							
39								
40	EXPENDITURES							
41								
42	#FTE NO VACANCY FACTOR	912.36	973.10	973.10	986.83	1032.40		45.57
43	#FTE CEILING	N/A	N/A	N/A	968.81	980.35		11.54
44	#FTE ACTUAL/W VACANCY FACTOR	855.55	871.39	933.18	968.81	1011.77		42.96
45								
46	PERSONNEL	21851609	24360441	27524949	30330773	33670794		3340021
47	PERSONAL TRAVEL	641096	687440	765064	882107	979538		97431
48	VEHICLE OPERATION	666081	709783	797550	894426	918134		23708
49	VEHICLE DEPRECIATION	688030	919035	1050635	1151422	1225407		73985
50	OFFICE SUPPLIES	658876	700156	788398	714256	739337		25081
51	FAC MAINT SUPPLIES	855418	887041	851967	1272759	992625		-280134
52	EQUIP MAINT SUPPLIES	698606	787868	822318	840499	840703		204
53	PROF/SCIENT SUPPLIES	450	17749	2974	23546	79844		56298
54	CONS SUPPLIES	404268	428007	441048	501090	475730		-25360
55	OTHER SUPPLIES	184443	240517	340447	250122	278595		28473
56	PRINTING	493294	589545	621441	841883	881208		39325
57	UNIFORMS	153086	188168	181539	199095	206570		7475
58	COMMUNICATIONS	457488	485862	540606	538282	567372		29090
59	RENTALS	119603	117528	140330	140940	142175		1235
60	UTILITIES	500890	546937	623072	600227	651627		51400
61	PROF/SCIEN SERVICES	1427082	1908128	2455740	4871993	4151314		-720679
62	OUTSIDE SERVICES	413155	600533	504127	504364	593179		88815
63	INTRA STATE TRANSFERS	0	85825	0	0	0		0
64	ADVERTISING	6344	29034	25919	48850	43950		-4900
65	OUTSIDE REPAIRS	4312	0	0	0	0		0
66	DATA PROCESSING	341253	308187	306423	364218	399652		35434
67	AUDITORS REIMBURSEMENT	20089	50522	107108	112000	80000		-32000
68	STATE REIMBURSEMENT	154251	176465	181059	165198	177618		12420
69	EQUIPMENT	936789	880276	1397267	1498332	1534062		35730
70	OTHER EXPENSE	100895	3131	3380	12100	4300		-7800
71	LICENCE FEES	3771	3115	1747	3662	3977		315
72	STATE AID	0	0	0	0	94000		94000
73	-----							
74	TOTAL EXPENDITURES	31781179	35711293	40475108	46762144	49731711		2969567
75	-----							

D. R OPERATIONS	DIR	C&I	ADMIN	PARKS	FORESTRY	ENRGY/GEOENVIRON	F&W	WMA	OTHER	TOTAL
BUDGET SUMMARY	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
JULY 1990	1991	1991	1991	1991	1991	1991	1991	1991	1991	1991

RESOURCES

GENERAL FUND	115028	917626	1925494	5625918	1716801	1403047	2069577	0	0	0	13773491
FEDERAL FUNDS	54127	357575	609320	65500	292000	508788	6341214	0	282784	0	8511308
LOTTERY	0	0	0	0	0	0	0	0	0	0	0
GW BIG SPRINGS G01	1151	3778	12283	0	0	674624	0	0	0	0	691836
GW DNR GENERAL G02	4365	89273	46569	0	0	359416	358705	0	0	0	858328
GW LAND FILL ALT OOC G03	0	0	0	0	0	0	0	0	0	0	0
GW SOLID WASTE G04	0	0	0	0	0	0	0	0	0	0	0
GW RURAL WELL ASSESSMENT G06	0	0	0	0	0	0	0	0	0	0	0
STORAGE TANK ADM G12	482	42081	5138	0	0	0	76856	0	0	0	124557
HOUSE HOLD HAZ WSTE ADM G17	401	1315	4276	0	0	0	0	0	94490	0	100482
WELL GRANTS PGM ADM G23	452	1482	4818	0	0	0	53963	0	0	0	60715
SOLID WASTE/LANDFILL ALT.	532	1746	5675	0	0	0	0	0	48129	0	56082
SOLID WASTE ADM G29	9469	31079	101028	0	0	0	502216	0	369729	0	1013521
WASTE MGT AUTH ADM G30	0	0	0	0	0	0	0	0	61514	0	61514
MARINE FUEL	0	0	150000	400000	0	0	0	0	0	0	550000
OIL OVERCHARGE	1230	65410	13114	0	0	879855	0	0	0	0	959609
LEASE PURCHASE (SIFIC A&B)	2209	7249	23564	0	0	198478	0	0	0	0	231500
CEDAR ROCK OPERATIONS	0	0	0	100467	0	0	0	0	0	0	100467
UTILITY REFUND	6404	21019	68328	0	0	554686	0	0	0	0	650437
OTHER FUNDS	2408	7903	51516	30000	0	45000	206486	0	0	0	343313
LAND MGMT TRUST FUND	2860	9388	180516	234032	0	0	0	0	0	0	426796
CORPS PROJECTS	0	0	0	0	0	0	0	191884	0	0	191884
PARK USER FEE	0	0	0	0	0	0	0	0	0	0	0
FISH & WILDLIFE FUND	0	0	0	0	0	0	0	15247060	0	0	15247060
ADMINISTRATION FUND	0	593000	0	0	0	0	0	0	0	0	593000
CONSERVATION FUND	0	0	0	1574655	751000	0	0	0	0	0	2325655
TRANSFER F&W	142755	468528	2276723	0	0	0	0	0	0	0	2888006

TOTAL REVENUES	343874	2618451	5478362	8030572	2759801	4623894	9609017	15438944	856646	0	49759561
										0	0

EXPENDITURES

#FTE	5.95	43.08	126.15	219.23	55.96	61.50	171.00	335.78	13.75	.00	1032.40
#FTE ACTUAL/VACANCY FACTOR	5.95	43.08	124.15	217.52	55.71	59.62	160.75	332.24	12.75	.00	1011.77
PERSONNEL	269374	1658693	4119712	5491289	1865415	2340825	6534542	10922953	476841	0	33679644
PERSONAL TRAVEL	40000	59800	60350	81248	45305	96210	180000	364625	52000	0	979538
VEHICLE OPERATION	0	11306	60500	181406	76000	28800	51000	509122	0	0	918134
VEHICLE DEPRECIATION	0	17200	72500	289769	120286	27302	63000	635350	0	0	1225407
OFFICE SUPPLIES	2000	82500	347350	45575	17220	6949	40250	179993	17500	0	739337
FAC MAINT SUPPLIES	0	24000	1700	560082	32420	4500	2500	367423	0	0	992625
EQUIP MAINT SUPPLIES	750	12000	50000	290100	56200	40000	12500	379153	0	0	840703
PROF/SCIEN SUPPLIES	0	20000	0	1000	0	52394	6450	0	0	0	79844
CONS SUPPLIES	0	500	0	19500	110118	0	0	345612	0	0	475730
OTHER SUPPLIES	1200	37100	15500	27247	16000	30510	33250	106288	11500	0	278595
PRINTING	14000	367950	37175	103039	14516	90982	54870	146176	52500	0	881208
UNIFORMS	0	2850	4200	50100	14950	0	6200	128270	0	0	206570
COMMUNICATIONS	0	12000	236500	66692	24680	18510	43650	165340	0	0	567372
RENTALS	0	850	1900	24040	17200	3800	47200	47185	0	0	142175
UTILITIES	0	29750	0	344451	27500	13175	14145	222606	0	0	651627
PROF/SCIEN SERVICES	6000	75000	0	96600	40000	1759258	1790360	191441	192655	0	4151314
OUTSIDE SERVICES	2000	83250	57350	165332	42350	16756	48375	154066	23700	0	593179
INTRA STATE TRANSFERS	0	0	0	0	0	0	0	0	0	0	0
ADVERTISING	0	12500	1650	4080	900	0	5250	19570	0	0	43950
OUTSIDE REPAIRS	0	0	0	0	0	0	0	0	0	0	0
DATA PROCESSING	4800	26152	124700	8000	12200	16400	165000	38000	4400	0	399652
AUDITORS REIMBURSEMENT	0	0	80000	0	0	0	0	0	0	0	80000
STATE REIMBURSEMENT	750	5000	22300	7425	500	6718	17225	105250	12450	0	177618
EQUIPMENT	3000	80050	184825	168200	131701	70805	492050	409431	13000	0	1553062
OTHER EXPENSE	0	0	0	2700	0	0	700	900	0	0	4300
LICENCE FEES	0	0	150	2697	340	0	500	190	100	0	3977
STATE AID	0	0	0	0	94000	0	0	0	0	0	94000

TOTAL EXPENDITURES	343874	2618451	5478362	8030572	2759801	4623894	9609017	15438944	856646	0	49759561
										0	0

	A	B	C	D	E	F	G	H	I
1	*****								*****
2	DIRECTORS OFFICE								
3	BUDGET SUMMARY	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
4	JULY 1990	1987	1988	1989	1990	1991		90 TO 91	
5	*****								*****
6									
7	RESOURCES								
8									
9	GENERAL FUND	70615	63913	90683	105057	115119		10062	
10	FEDERAL FUNDS	47721	57755	50732	44983	54127		9144	
11	GW BIG SPRINGS G01	0	1118	977	821	1151		330	
12	GW DNR GENERAL G02	0	336	3763	4220	4365		145	
13	GW LAND FILL ALT OOC G03	0	311	0	0	0		0	
14	GW SOLID WASTE G04	0	292	0	0	0		0	
15	STORAGE TANK ADM G12	0	18	4588	2042	482		-1560	
16	HOUSE HOLD HAZ WSTE ADM G17	0	66	700	1102	401		-701	
17	WELL GRANTS PGM ADM G23	0	0	303	359	452		93	
18	SOLID WASTE/LANDFILL ALT.	0	0	1075	2050	532		-1518	
19	SOLID WASTE ADM G29	0	2149	2571	2970	9469		6499	
20	WASTE MGT AUTH ADM G30	0	1063	1607	1598	0		-1598	
21	OIL OVERCHARGE	1376	4050	4234	3257	1139		-2118	
22	LEASE PURCHASE (SIFIC A&B)	0	1676	1763	2260	2209		-51	
23	UTILITY REFUND	1054	1024	1922	3266	6404		3138	
24	OTHER FUNDS	0	0	0	1449	2408		959	
25	PARK USER FEE	1068	1015	1699	0	0		0	
26	LAND MGMT TRUST FUND	0	0	0	1364	2860		1496	
27	TRANSFER F&W	99585	102534	99330	121624	142755		21131	
28									
29	TOTAL REVENUES	221418	237321	265946	298421	343873		45452	
30									
31									
32	EXPENDITURES								
33									
34	#FTE NO VACANCY FACTOR	6.15	5.95	5.95	5.95	5.95		.00	
35	#FTE CEILING	N/A	N/A	N/A	5.95	5.95		.00	
36	#FTE ACTUAL/W VACANCY FACTOR	6.15	5.95	5.95	5.95	5.95		.00	
37									
38	PERSONNEL	171680	189256	197403	223101	269373		46272	
39	PERSONAL TRAVEL	34218	31781	32371	40000	40000		0	
40	OFFICE SUPPLIES	4046	1181	473	1200	2000		800	
41	EQUIP MAINT SUPPLIES	772	1089	970	1200	750		-450	
42	OTHER SUPPLIES	6	967	143	120	1200		1080	
43	PRINTING	4753	5520	18847	14000	14000		0	
44	UNIFORMS	0	186	0	0	0		0	
45	COMMUNICATIONS	73	270	104	0	0		0	
46	RENTALS	77	595	0	0	0		0	
47	PROF/SCIEN SERVICES	500	0	0	6000	6000		0	
48	OUTSIDE SERVICES	351	393	1154	3200	2000		-1200	
49	ADVERTISING	340	513	0	0	0		0	
50	DATA PROCESSING	4494	3830	3588	4800	4800		0	
51	STATE REIMBURSEMENT	108	1740	1660	0	750		750	
52	EQUIPMENT	0	0	9233	4800	3000		-1800	
53									
54	TOTAL EXPENDITURES	221418	237321	265946	298421	343873		45452	
55	*****								*****

	A	B	C	D	E	F	G	H	I
1	*****								
2	COORDINATION & INFORMATION								
3	BUDGET SUMMARY	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
4	JULY 1990	1987	1988	1989	1990	1991		90 TO 91	
5	*****								
6									
7	RESOURCES								
8									
9	GENERAL FUND	530568	631593	771694	818614	917923		99309	
10	FEDERAL FUNDS	452220	363122	386257	346721	357575		10854	
11	LOTTERY	4985	0	0	0	0		0	
12	GW BIG SPRINGS G01	0	4471	4561	3284	3778		494	
13	GW DNR GENERAL G02	0	17056	184965	164560	89273		-75287	***
14	GW LAND FILL ALT OOC G03	0	1245	0	0	0		0	
15	GW SOLID WASTE G04	0	1170	0	0	0		0	
16	STORAGE TANK ADM G12	0	70	21412	8166	42081		33915	*
17	HOUSE HOLD HAZ WSTE ADM G17	0	265	3265	4409	1315		-3094	
18	WELL GRANTS PGM ADM G23	0	0	1412	1436	1482		46	
19	SOLID WASTE/LANDFILL ALT.	0	0	5017	8201	1746		-6455	
20	SOLID WASTE ADM G29	0	8594	11999	11878	31079		19201	
21	WASTE MGT AUTH ADM G30	0	4253	7498	6390	0		-6390	
22	OIL OVERCHARGE	6420	16200	19760	41341	38614		-2727	
23	LEASE PURCHASE (SIFIC A&B)	0	6705	8226	9042	7249		-1793	
24	UTILITY REFUND	4922	4096	8969	13064	21019		7955	
25	OTHER FUNDS	0	0	0	5795	7903		2108	
26	LAND MGMT TRUST FUND	0	0	0	5455	9388		3933	
27	PARK USER FEE	0	4061	7927	0	0		0	
28	ADMINISTRATION FUND	299343	371120	316500	470500	593000		122500	*
29	TRANSFER F&W	464729	410134	463538	486498	468528		-17970	
30	-----								
31	TOTAL REVENUES	1763188	1844156	2222999	2405353	2591953		186600	
32	-----								
33									
34	EXPENDITURES								
35									
36	#FTE NO VACANCY FACTOR	43.50	44.32	41.40	40.45	43.08		2.63	*
37	#FTE CEILING	N/A	N/A	N/A	40.45	42.08		1.63	*
38	#FTE ACTUAL/W VACANCY FACTOR	38.84	37.22	41.40	40.45	43.08		2.63	*
39									
40	PERSONNEL	1228868	1227282	1450988	1481952	1651194		169242	
41	PERSONAL TRAVEL	37572	28580	33420	45800	59800		14000	*
42	VEHICLE OPERATION	5550	7343	7535	10931	11306		375	
43	VEHICLE DEPRECIATION	6820	7935	12315	17700	17200		-500	
44	OFFICE SUPPLIES	67400	72038	74174	70500	82500		12000	**
45	FAC MAINT SUPPLIES	22767	21021	11770	24000	24000		0	
46	EQUIP MAINT SUPPLIES	10816	13672	10137	12000	12000		0	
47	PROF/SCIENT SUPPLIES	64	0	0	0	20000		20000	**
48	CONS SUPPLIES	2178	620	659	500	500		0	
49	OTHER SUPPLIES	28682	41347	38695	28700	37100		8400	**
50	PRINTING	246220	289769	339095	377950	367950		-10000	***
51	UNIFORMS	1839	2453	4020	2850	2850		0	
52	COMMUNICATIONS	5461	11510	11950	9200	12000		2800	
53	RENTALS	1817	1565	1198	850	850		0	
54	UTILITIES	25797	25082	28060	26750	29750		3000	
55	PROF/SCIENT SERVICES	7990	7985	67492	130420	75000		-55420	***
56	OUTSIDE SERVICES	36846	46287	52301	60000	83250		23250	****
57	INTRA STATE TRANSFERS	0	2559	0	0	0		0	
58	ADVERTISING	0	2473	5750	12500	12500		0	
59	DATA PROCESSING	10790	6014	9974	19600	26152		6552	
60	STATE REIMBURSEMENT	12160	9540	6141	5000	5000		0	
61	EQUIPMENT	3520	19026	57325	68150	61050		-7100	
62	LICENCE FEES	30	55	0	0	0		0	
63	-----								
64	TOTAL EXPENDITURES	1763187	1844156	2222999	2405353	2591952		186599	
65	*****								
66	COMMENTS:								
67									
68	* 1.63 OF THE INCREASED FTE WAS INCLUDED IN THE LEGISLATIVE FTE CEILING FOR REAP CONGRESS PER DIEM.								
69	THE TRAVEL INCREASE NOTED IS ALSO FOR REAP CONGRESS MEMBERS. THE ADDITIONAL FTE IS FOR A NEW								
70	ATTORNEY POSITION FOR & FUNDED BY THE UNDERGROUND STORAGE TANK PROGRAM.								
71									
72	**THE INCREASED SUPPLY BUDGET IS FOR PURCHASE OF GROUNDWATER PLANNING DATA & TEACHING MATERIALS								
73	FOR GROUNDWATER EDUCATION PROGRAMS.								
74									
75	***DECREASES IN PRINTING & PROF & SCIENTIFIC SERVICES DUE TO COMPLETION OF GW ED PROGRAMS								
76									
77	****DUE TO ANTICIPATED INCREASED COSTS FOR INSPECTION & APPEALS CONDUCT OF CONTESTED CASE HEARINGS.								
78	AND ADDITIONAL COSTS FOR IMPLEMENTATION OF ENVIRONMENTAL MEDIATION SERVICES.								
79	*****								

5

	A	B	C	D	E	F	G	H	I
1	*****								*****
2	ADMINISTRATIVE SERVICES								
3	BUDGET SUMMARY	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
4	JULY 1990	1987	1988	1989	1990	1991		90 TO 91	
5	*****								*****
6									
7	RESOURCES								
8									
9	GENERAL FUND	1190361	1388875	1530786	1620327	1926457		306130	
10	FEDERAL FUNDS	645821	636512	626456	560646	609320		48674	
11	LOTTERY	89391	75000	75000	0	0		0	
12	GW BIG SPRINGS G01	0	10380	10750	9579	12283		2704	
13	GW DNR GENERAL G02	0	3125	41393	49232	46569		-2663	
14	GW LAND FILL ALT OOC G03	0	2889	0	0	0		0	
15	GW SOLID WASTE G04	0	2715	0	0	0		0	
16	STORAGE TANK ADM G12	0	163	50472	23818	5138		-18680	
17	HOUSE HOLD HAZ WSTE ADM G17	0	616	7695	12859	4276		-8583	
18	WELL GRANTS PGM ADM G23	0	0	3329	4190	4818		629	
19	SOLID WASTE/LANDFILL ALT.	0	0	11825	23918	5675		-18243	
20	SOLID WASTE ADM G29	0	19951	28284	34645	101028		66383	
21	WASTE MGT AUTH ADM G30	0	9872	17673	18638	0		-18638	
22	OIL OVERCHARGE	15132	37607	46576	37995	12151		-25844	
23	MARINE FUEL	162338	150000	150000	150000	150000		0	
24	LEASE PURCHASE (SIFIC A&B)	0	15566	19389	26372	23564		-2808	
25	UTILITY REFUND	11603	9509	21140	38102	68328		30226	
26	OTHER FUNDS	0	0	0	51358	51516		158	
27	LAND MGMT TRUST FUND	0	0	0	165919	180516		14597	
28	PARK USER FEE	77639	84426	93685	0	0		0	
29	TRANSFER F&W	1609039	1707577	1955986	2341243	2276723		-64520	
30									
31	TOTAL REVENUES	3801324	4154783	4690441	5168840	5478362		309522	
32									
33									
34	EXPENDITURES								
35									
36	#FTE NO VACANCY FACTOR	121.90	130.85	126.15	126.15	126.15		.00	*
37	#FTE CEILING	N/A	N/A	N/A	124.15	124.15		.00	
38	#FTE ACTUAL/W VACANCY FACTOR	110.07	114.43	118.51	124.15	124.15		.00	
39									
40	PERSONNEL	2837690	3148383	3494650	3869180	4119712		250532	
41	PERSONAL TRAVEL	36969	46788	50538	61400	60350		-1050	
42	VEHICLE OPERATION	34323	45839	47842	58500	60500		2000	
43	VEHICLE DEPRECIATION	24470	55780	60650	68500	72500		4000	
44	OFFICE SUPPLIES	273233	304748	365294	340050	347350		7300	
45	FAC MAINT SUPPLIES	980	1300	366	1700	1700		0	
46	EQUIP MAINT SUPPLIES	74484	65669	72293	63100	50000		-13100	
47	OTHER SUPPLIES	16761	10746	13104	12300	15500		3200	
48	PRINTING	21708	27525	25333	27275	37175		9900	
49	UNIFORMS	2641	4146	4734	4200	4200		0	
50	COMMUNICATIONS	170827	183727	207897	222860	236500		13640	
51	RENTALS	2935	746	4515	1900	1900		0	
52	PROF/SCIEN SERVICES	0	0	0	7500	0		-7500	
53	OUTSIDE SERVICES	22638	39930	12726	35950	57350		21400	
54	INTRA STATE TRANSFERS	0	1763	0	0	0		0	
55	ADVERTISING	260	408	92	1650	1650		0	
56	DATA PROCESSING	163783	118311	108738	119500	124700		5200	
57	AUDITORS REIMBURSEMENT	20089	50522	107108	112000	80000		-32000	
58	STATE REIMBURSEMENT	10672	14031	13630	17950	22300		4350	
59	EQUIPMENT	86606	34305	100915	143175	184825		41650	
60	OTHER EXPENSE	135	75	0	0	0		0	
61	LICENCE FEES	120	41	16	150	150		0	
62									
63	TOTAL EXPENDITURES	3801324	4154783	4690441	5168840	5478362		309522	
64	*****								*****
65	COMMENTS:								
66									
67	* NO STAFF INCREASES PROPOSED FTE CEILING OF 124.15 MET IF VACANCY FACTOR OF 2 IS MAINTAINED.								
68	*****								*****

	A	B	C	D	E	F	G	H	I	
1	*****									
2	PARKS PRESERVES & RECREATION									
3	BUDGET SUMMARY	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE		
4	JULY 1990	1987	1988	1989	1990	1991		90 TO 91		
5	*****									
6										
7	RESOURCES									
8										
9	GENERAL FUND	3640272	4433917	4849311	5403733	5625918		222185		
10	FEDERAL FUNDS	0	23494	11362	44199	65500		21301	***	
11	CEDAR ROCK OPERATIONS	85877	80869	76731	88300	100467		12167	*	
12	MARINE FUEL	396238	397179	400000	400000	400000		0		
13	OTHER FUNDS	4649	19906	7235	0	30000		30000	*	
14	LAND MGMT TRUST FUND	0	0	0	187591	234032		46441	*	
15	PARK USER FEE	2504	61004	369794	0	0		0		
16	CONSERVATION FUND	1338063	1449456	1412671	1558374	1574655		16281		
17	-----									
18	TOTAL REVENUES	5467603	6465825	7127104	7682197	8030572		348375		
19	-----									
20										
21	EXPENDITURES									
22										
23	#FTE NO VACANCY FACTOR	203.35	206.99	207.05	208.76	219.23		10.47	*	
24	#FTE CEILING	N/A	N/A	N/A	207.05	207.05		.00		
25	#FTE ACTUAL/W VACANCY FACTOR	186.23	193.39	204.75	207.05	217.52		10.47		
26										
27	PERSONNEL	3690001	4289954	4744505	5073170	5491289		418119		
28	PERSONAL TRAVEL	61995	74038	82650	80000	81248		1248		
29	VEHICLE OPERATION	153426	150400	166403	180000	181406		1406		
30	VEHICLE DEPRECIATION	166425	251320	254870	287694	289769		2075		
31	OFFICE SUPPLIES	63334	46548	60122	45575	45575		0		
32	FAC MAINT SUPPLIES	342058	439742	511150	692568	560082		-132486	**	
33	EQUIP MAINT SUPPLIES	240990	281370	278206	294000	290100		-3900		
34	PROF/SCIEN SUPPLIES	0	0	0	1000	1000		0		
35	CONS SUPPLIES	19602	16950	20243	19500	19500		0		
36	OTHER SUPPLIES	19009	21821	72365	26943	27247		304		
37	PRINTING	20452	46166	27190	103039	103039		0		
38	UNIFORMS	33968	46965	42065	50000	50100		100		
39	COMMUNICATIONS	66600	68498	79536	66692	66692		0		
40	RENTALS	24242	23781	24538	24640	24040		-600		
41	UTILITIES	280634	314023	340395	293276	344451		51175	**	
42	PROF/SCIEN SERVICES	2279	58995	31488	60645	96600		35955	***	
43	OUTSIDE SERVICES	176075	202777	198318	165332	165332		0		
44	INTRA STATE TRANSFERS	0	8850	0	0	0		0		
45	ADVERTISING	0	4380	1595	4080	4080		0		
46	OUTSIDE REPAIRS	3535	0	0	0	0		0		
47	DATA PROCESSING	4941	3349	6517	8000	8000		0		
48	STATE REIMBURSEMENT	6210	5341	15396	2925	7425		4500		
49	EQUIPMENT	87400	106636	166264	197721	168200		-29521	**	
50	OTHER EXPENSE	1956	2656	2825	2700	2700		0		
51	LICENCE FEES	2471	1265	463	2697	2697		0		
52	-----									
53	TOTAL EXPENDITURES	5467603	6465825	7127104	7682197	8030572		348375		
54	*****									
55	COMMENTS:									
56										
57	* THE FTE CEILING OF 207.05 IS BEING EXCEEDED BY 10.47 FTE. OF THIS AMOUNT 2 POSITIONS									
58	ARE A RESULT OF THE LEGISLATURES ORDER NOT TO COMPLETE THE PROPOSED PARKS REORGANIZATION.									
59	6.89 FTE REPRESENT TRAIL CREW INCREASES FUNDED BY THE LAND MGT ACCOUNT & A DED GRANT FOR MINES									
60	OF SPAIN TRAIL WORK. THE REMAINING 1.13 FTE INCREASE IS FOR MAINTAINANCE CREW INCREASES									
61	AT CEDAR ROCK FUNDED OUT OF THE CEDAR ROCK TRUST FUND.									
62										
63	**DECREASES OF 160K IN EQUIPMENT & FACILITY MAINTENANCE WERE USED TO PAY FOR UTILITY INCREASES & A 1X									
64	REDUCTION MANDATED BY THE LEGISLATURE. A 40K REDUCTION IN LAND MGT TRAIL CREW FACILITY									
65	MAINTENCE SUPPLIES BASED ON FY 91 PROPOSED PROJECT NEEDS IS ALSO REFLECTED.									
66										
67	***PROFESSIONAL & SCIENTIFIC SERVICES INCREASED DUE TO INCREASED AVAILABILITY OF									
68	FEDERAL ENDANGERED SPECIES RESEARCH FUNDING.									
69	*****									

	A	B	C	D	E	F	G	H	I
1	*****								
2	FORESTRY								
3	BUDGET SUMMARY								
4	JULY 1990	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
5		1987	1988	1989	1990	1991		90 TO 91	
6	*****								
7	RESOURCES								
8									
9	GENERAL FUND	1209820	1257925	1401417	1508273	1716801		208528	*
10	FEDERAL FUNDS	88811	104293	171851	114650	292000		177350	**
11	CONSERVATION FUND	356585	500000	500000	715000	751000		36000	
12									
13	TOTAL REVENUES	1655216	1862218	2073268	2337923	2759801		421878	
14									
15	EXPENDITURES								
16									
17									
18	#FTE NO VACANCY FACTOR	55.13	51.64	51.64	53.85	55.96		2.11	*
19	#FTE CEILING	N/A	N/A	N/A	53.60	55.71		2.11	*
20	#FTE ACTUAL/W VACANCY FACTOR	48.34	46.46	50.77	53.60	55.71		2.11	*
21									
22	PERSONNEL	1213261	1297424	1468960	1659017	1865415		206398	*
23	PERSONAL TRAVEL	26848	32585	32300	39535	45305		5770	
24	VEHICLE OPERATION	49875	51883	65132	72000	76000		4000	
25	VEHICLE DEPRECIATION	69170	106275	109475	112900	120286		7386	
26	OFFICE SUPPLIES	11774	25502	14660	16920	17220		300	
27	FAC MAINT SUPPLIES	16040	24225	31135	30000	32420		2420	
28	EQUIP MAINT SUPPLIES	47577	49217	55035	55000	56200		1200	
29	CONS SUPPLIES	59017	80459	63955	108278	110118		1840	
30	OTHER SUPPLIES	9899	8659	36943	15900	16000		100	
31	PRINTING	4058	5012	8550	19009	14516		-4493	
32	UNIFORMS	9569	12530	12317	13625	14950		1325	
33	COMMUNICATIONS	22804	22168	27664	23995	24680		685	
34	RENTALS	16553	17772	22320	17200	17200		0	
35	UTILITIES	25025	30478	30426	27000	27500		500	
36	PROF/SCIEN SERVICES	0	4683	1500	0	40000		40000	**
37	OUTSIDE SERVICES	62040	72052	50971	42800	42350		-450	
38	INTRA STATE TRANSFERS	0	1465	0	0	0		0	
39	ADVERTISING	715	400	666	1000	900		-100	
40	DATA PROCESSING	7617	10993	18943	11900	12200		300	
41	STATE REIMBURSEMENT	840	415	2952	1100	500		-600	
42	EQUIPMENT	2213	7675	19294	70404	131701		61297	**
43	LICENCE FEES	321	346	70	340	340		0	
44	STATE AID	0	0	0	0	94000		94000	**
45									
46	TOTAL EXPENDITURES	1655216	1862218	2073268	2337923	2759801		421878	
47									
48	COMMENTS:								
49									
50	* THE FTE CEILING OF 55.71 IS BEING MET NO STAFF INCREASES ARE PROPOSED. THE 2.11 INCREASE								
51	NOTED ABOVE IS NOT THE RESULT OF PROGRAM INCREASES BUT RATHER THE INCLUSION OF THE SPECIAL								
52	FY 90 LOESS HILLS PIONEER STATE FOREST APPROPRIATION INTO FORESTRY'S OVERALL APPROPRIATION								
53									
54	**THE INCREASE IN FEDERAL FUNDING SHOWN PRIMARILY REPRESENTS AN ACCOUNTING CHANGE. PASS THRU								
55	FUNDING FOR EQUIPMENT COST SHARE PROGRAMS WITH LOCAL FIRE STATION HAS BEEN INCLUDED								
56	IN FORESTRY'S OPERATION BUDGET ELIMINATING THE NEED FOR A SEPARATE FUND & CONSOLIDATING								
57	ALL FORESTRY FEDERAL AID IN ONE LOCATION. APPROXIMATELY 80K OF THE INCREASE								
58	IS TO BE USED FOR EQUIPMENT PURCHASES & TO PAY FOR A TEMPORARY STAFF ASSIGNMENT TO								
59	TO DNR FROM THE FEDERAL SCS TO HELP WITH THE REFORESTATION PROGRAM.								
60	*****								

8

	A	B	C	D	E	F	G	H	I
1	*****								
2	ENERGY & GEOLOGICAL SURVEY								
3	BUDGET SUMMARY								
4	JULY 1990	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
5		1987	1988	1989	1990	1991		90 TO 91	
6	*****								
7	RESOURCES								
8									
9	GENERAL FUND	889373	968864	1098117	1247525	1403047		155522	
10	FEDERAL FUNDS	528912	508887	526511	481329	508788		27459	***
11	LOTTERY	60388	0	0	0	0		0	
12	GW BIG SPRINGS G01	0	463553	598488	640013	674624		34611	
13	GW DNR GENERAL G02	0	60523	461257	296781	359416		62635	
14	GW RURAL WELL ASSESSMENT G06	0	281908	250000	0	0		0	
15	OIL OVERCHARGE	140726	221361	187348	983606	879855		-103751	**
16	MARINE FUEL	0	0	0	0	0		0	
17	LEASE PURCHASE (SIFIC A&B)	12946	105206	124586	185425	198478		13053	
18	UTILITY REFUND	459485	136126	249976	818038	554686		-263352	**
19	OTHER FUNDS	23213	36744	139645	131616	45000		-86616	
20	-----								
21	TOTAL REVENUES	2115043	2783172	3635928	4784333	4623894		-160439	
22	-----								
23	EXPENDITURES								
24									
25	#FTE NO VACANCY FACTOR	43.93	53.50	54.39	60.72	61.50		.78	
26	#FTE CEILING	N/A	N/A	N/A	59.12	59.62		.50	
27	#FTE ACTUAL/W VACANCY FACTOR	41.65	48.77	54.39	59.12	59.62		.50	*
28									
29	PERSONNEL	1301309	1572098	1873942	2161890	2340825		178935	
30	PERSONAL TRAVEL	49185	61838	63216	78507	96210		17703	
31	VEHICLE OPERATION	18030	17953	23504	26540	28800		2260	
32	VEHICLE DEPRECIATION	10880	21240	23700	23442	27302		3860	
33	OFFICE SUPPLIES	13262	10814	9137	13596	6949		-6647	
34	FAC MAINT SUPPLIES	1406	17630	3968	4500	4500		0	
35	EQUIP MAINT SUPPLIES	1531	1573	7847	4100	40000		35900	
36	PROF/SCIENT SUPPLIES	367	17684	2940	15846	52394		36548	
37	CONS SUPPLIES	110	0	0	0	0		0	
38	OTHER SUPPLIES	18756	42165	41550	28200	30510		2310	
39	PRINTING	28025	23671	16317	76146	90982		14836	
40	UNIFORMS	0	0	32	0	0		0	
41	COMMUNICATIONS	16646	17853	18587	18568	18510		-58	
42	RENTALS	5262	6340	2985	3500	3800		300	
43	UTILITIES	810	712	12516	19750	13175		-6575	
44	PROF/SCIEN SERVICES	599330	888897	1416796	2211260	1759258		-452002	**
45	OUTSIDE SERVICES	22455	12105	10508	10996	16756		5760	
46	ADVERTISING	1071	2233	191	0	0		0	
47	OUTSIDE REPAIRS	777	0	0	0	0		0	
48	DATA PROCESSING	13388	22614	10721	14168	16400		2232	
49	STATE REIMBURSEMENT	1494	4720	13635	6273	6718		445	
50	EQUIPMENT	10609	40970	83836	67051	70805		3754	
51	LICENCE FEES	340	62	0	0	0		0	
52	-----								
53	TOTAL EXPENDITURES	2115043	2783172	3635928	4784333	4623894		-160439	
54	-----								
55	COMMENTS:								
56									
57									
58	* THE FTE CEILING OF 59.62 IS .5 FTE HIGHER THAN FY 90 BUDGET. THE ENERGY BUREAU IS UTILIZING								
59	THIS ADDITIONAL FTE FOR ADMINISTRATIVE INTERN POSITIONS.								
60									
61	**DECREASE IN PROFESSIONAL & SCIENTIFIC SERVICES DUE TO COMPLETION OF ONE TIME								
62	LOCAL GOVT ENERGY MGT PROGRAM CONTRACTS.								
63	*****								

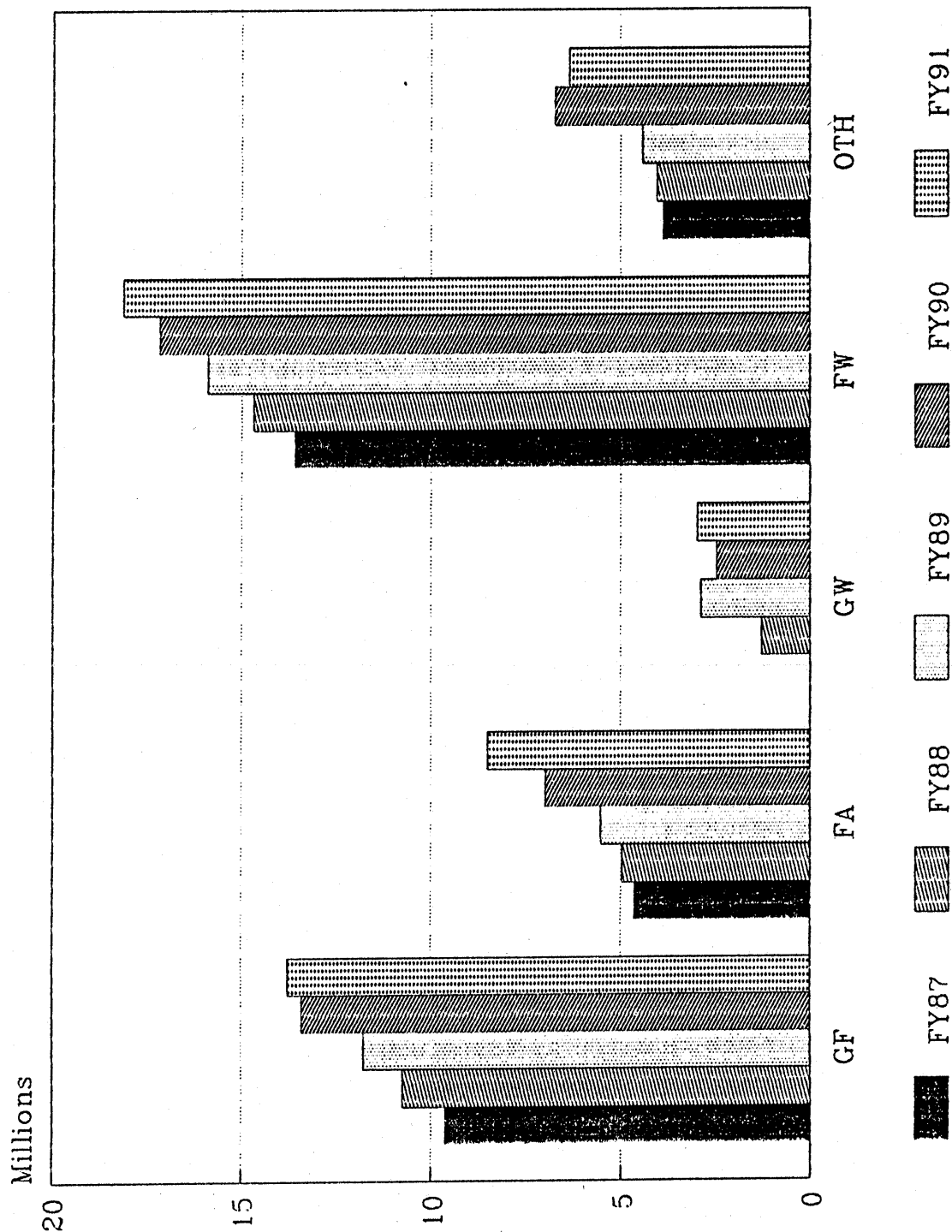
	A	B	C	D	E	F	G	H	I	J	K
1	*****										
2	ENVIRONMENTAL PROTECTION										
3	BUDGET SUMMARY										
4	JULY 1990	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE			
5		1987	1988	1989	1990	1991		90 TO 91			
6	*****										
7	RESOURCES										
8											
9	GENERAL FUND	2113320	2007639	2036120	2058170	2068226		10056			
10	FEDERAL FUNDS	2893867	3271005	3718701	5343083	6341214		998131	*		
11	GW DNR GENERAL G02	0	0	112856	352486	358705		6219			
12	GW SOLID WASTE G04	0	16652	179171	0	0		0			
13	GW RURAL WELL ASSESSMENT G06	0	0	20337	10000	0		-10000			
14	STORAGE TANK ADM G12	0	34800	275731	32180	76856		44676			
15	WELL GRANTS PGM ADM G23	0	126	5770	23731	53963		30232			
16	SOLID WASTE ADM G29	0	125730	183028	243626	502216		258590	*		
17	OTHER FUNDS	0	0	1057	242764	206486		-36278	*		
18	-----										
19	TOTAL REVENUES	5007187	5455952	6532771	8306040	9607666		1301626			
20	-----										
21	EXPENDITURES										
22											
23											
24	#FTE NO VACANCY FACTOR	123.50	143.50	143.50	147.50	171.00		23.50	*		
25	#FTE CEILING	N/A	N/A	N/A	143.25	142.55		-.70			
26	#FTE ACTUAL/W VACANCY FACTOR	110.95	109.86	128.90	143.25	160.75		17.50	*		
27											
28	PERSONNEL	3817877	4054798	4835906	5507255	6533191		1025936	*		
29	PERSONAL TRAVEL	65627	71617	93475	158000	180000		22000			
30	VEHICLE OPERATION	21547	23165	26333	43000	51000		8000			
31	VEHICLE DEPRECIATION	19520	35070	44275	63000	63000		0			
32	OFFICE SUPPLIES	19322	21498	25511	41000	40250		-750			
33	FAC MAINT SUPPLIES	571	4037	2921	7500	2500		-5000			
34	EQUIP MAINT SUPPLIES	6749	6190	6730	9800	12500		2700			
35	PROF/SCIENT SUPPLIES	19	65	34	6700	6450		-250			
36	CONS SUPPLIES	665	2093	0	0	0		0			
37	OTHER SUPPLIES	4659	11838	26412	24320	33250		8930			
38	PRINTING	8410	10697	19560	41050	54870		13820			
39	UNIFORMS	622	997	1776	3200	6200		3000			
40	COMMUNICATIONS	26515	31465	29671	35650	43650		8000			
41	RENTALS	38458	34954	45579	45065	47200		2135			
42	UTILITIES	6526	9442	8196	14145	14145		0			
43	PROF/SCIEN SERVICES	650274	749635	671594	1612200	1790360		178160	***		
44	OUTSIDE SERVICES	8695	112429	38254	37170	48375		11205			
45	ADVERTISING	1289	1640	2790	3200	5250		2050			
46	DATA PROCESSING	120969	118340	113169	139050	165000		25950			
47	STATE REIMBURSEMENT	6502	10913	18716	14700	17225		2525			
48	EQUIPMENT	181975	144809	521404	499750	492050		-7700			
49	OTHER EXPENSE	0	0	0	0	700		700			
50	LICENCE FEES	396	260	465	285	500		215			
51	-----										
52	TOTAL EXPENDITURES	5007187	5455952	6532771	8306040	9607666		1301626			
53	-----										
54	COMMENTS:										
55											
56	* THE FTE CEILING OF 142.55 IS BEING EXCEEDED BY 24.2 FTE AFTER ACCOUNTING FOR A 4.25 FTE VACANCY										
57	FACTOR. IN FY 90 1.5 FTE WERE DROPPED IN THE STATE REVOLVING FUND & GEOGRAPHICAL INFORMATION SYSTEM										
58	PROGRAMS. AT THE SAME TIME 8 NEW POSITIONS WERE ADDED IN THE UNDERGROUND STORAGE TANK & SUPERFUND										
59	PROGRAMS NET INCREASE 6.5 FTE. THE LEGISLATURE APPROPRIATED FUNDS FOR A FLOOD PLAIN ENGINEER BUT DID										
60	NOT INCREASE THE FTE BY THE .7 FTE NECESSARY. THE ENGINEERING POSITION IS INCLUDED IN THE CURRENT 91										
61	THE REMAINING 17 NEW POSITIONS ARE BUDGET. PROPOSED ADDITIONS FOR FY 91. AIR QUALITY INCREASES BY 2										
62	WATER SUPPLY 1 & SOLID WASTE 2. THE FIELD SERVICES STORAGE TANK PROGRAM INCREASES BY 6 AS DOES FIELD										
63	SERVICES SOLID WASTE ACTIVITIES. ALL INCREASES ARE BEING PAID FOR BY INCREASED FEDERAL FUNDING OR										
64	FROM THE SOLID WASTE ACCOUNT OF THE GROUNDWATER FUND.										
65											
66	**PROFESSIONAL & SCIENTIFIC SERVICES INCREASED DUE TO NEW FEDERAL MONEY BEING AVAILABLE FOR NON POINT										
67	SOURCE IMPLEMENTATION DEMONSTATION PROJECTS.										
68	*****										

	A	B	C	D	E	F	G	H	I
1	*****								
2	FISH & WILDLIFE								
3	BUDGET SUMMARY								
4	JULY 1990	ACTUAL	ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
5		1987	1988	1989	1990	1991		90 TO 91	
6	*****								
7	RESOURCES								
8									
9	CORPS PROJECTS	319302	236773	164644	390921	191884		-199037	**
10	FISH & WILDLIFE FUND	11430899	12471627	13376084	14230050	15247060		1017010	
11									
12	TOTAL REVENUES	11750201	12708400	13540728	14620971	15438944		817973	
13									
14	EXPENDITURES								
15									
16									
17	#FTE NO VACANCY FACTOR	314.90	325.35	325.35	332.28	335.78		3.50	*
18	#FTE CEILING	N/A	N/A	N/A	324.24	332.24		8.00	*
19	#FTE ACTUAL/W VACANCY FACTOR	313.32	313.23	321.02	324.24	332.24		8.00	*
20									
21	PERSONNEL	7590923	8499582	9210718	9981126	10922953		941827	
22	PERSONAL TRAVEL	328682	332348	357079	356865	364625		7760	
23	VEHICLE OPERATION	383330	413200	460801	503455	509122		5667	
24	VEHICLE DEPRECIATION	390745	441415	545350	578186	635350		57164	
25	OFFICE SUPPLIES	206505	208095	226317	178090	179993		1903	
26	FAC MAINT SUPPLIES	471596	379086	290657	512491	367423		-145068	**
27	EQUIP MAINT SUPPLIES	315687	369088	391100	401299	379153		-22146	
28	CONS SUPPLIES	322696	327885	356191	372812	345612		-27200	
29	OTHER SUPPLIES	86671	94986	108679	106638	106288		-350	
30	PRINTING	159668	135633	124897	128226	146176		17950	
31	UNIFORMS	104447	120891	116595	125220	128270		3050	
32	COMMUNICATIONS	148562	150371	165197	161317	165340		4023	
33	RENTALS	30259	31775	39195	47785	47185		-600	
34	UTILITIES	162098	167200	203479	219306	222606		3300	
35	PROF/SCIEN SERVICES	166709	197933	262870	193968	191441		-2527	
36	OUTSIDE SERVICES	84055	114473	134607	142916	154066		11150	
37	INTRA STATE TRANSFERS	0	71188	0	0	0		0	
38	ADVERTISING	2669	16987	14835	26420	19570		-6850	
39	DATA PROCESSING	15271	24565	32143	41200	38000		-3200	
40	STATE REIMBURSEMENT	116265	100342	96471	105050	105250		200	
41	EQUIPMENT	564466	509870	402259	429011	409431		-19580	
42	OTHER EXPENSE	98804	400	555	9400	900		-8500	
43	LICENCE FEES	93	1087	733	190	190		0	
44									
45	TOTAL EXPENDITURES	11750201	12708400	13540728	14620971	15438944		817973	
46									
47	COMMENTS:								
48									
49	* THE FTE CEILING OF 332.24 IS BEING MET. THE ADDITIONAL 8 FTE AUTHORIZED FOR FY 91 ARE								
50	3 CONSERVATION OFFICERS UTILIZING INCREASED RECEIPTS FROM THE SALE OF OUT OF STATE DEER								
51	AND TUKEY LICENSES AS WELL AS 5 POSITIONS TO ACCOMPLISH THE FEDERALLY FUNDED								
52	MISSISSIPPI MONITORING PROJECT.								
53									
54	**FACILITY MAINTENANCE DECREASES DUE TO DECREASE IN CONDITION 5 PROJECTS FOR FY 91.								
55	*****								

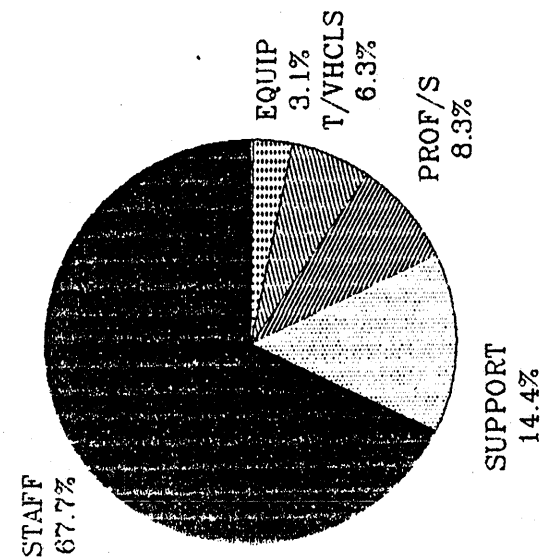
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	A	B	C	D	E	F	G	H
1	*****							
2	WASTE MGT AUTHORITY							
3	BUDGET SUMMARY							
4		ACTUAL	ACTUAL	BUDGET	BUDGET		INCREASE	
5	JULY 1990	1988	1989	1990	1991		90 TO 91	
6	*****							
7	RESOURCES							
8								
9	FEDERAL FUNDS	0	30089	50762	282784		232022	*
10	GW LAND FILL ALT OOC G03	18753	55529	0	0		0	
11	HOUSE HOLD HAZ WSTE ADM G17	95454	128321	139654	94490		-45164	
12	SOLID WASTE/LANDFILL ALT.	0	40267	166463	48129		-118334	
13	SOLID WASTE ADM G29	0	0	0	369729		369729	
14	WASTE MGT AUTH ADM G30	85259	131717	151186	61514		-89672	
15	-----							
16	TOTAL REVENUES	199466	385923	508065	856646		348581	
17	-----							
18	EXPENDITURES							
19								
20								
21	#FTE NO VACANCY FACTOR	11.00	11.00	11.17	13.75		2.58	*
22	#FTE CEILING	N/A	N/A	11.00	11.00		.00	
23	#FTE ACTUAL/W VACANCY FACTOR	2.08	7.49	11.00	12.75		1.75	
24								
25	PERSONNEL	81663	247877	374082	476841		102759	
26	PERSONAL TRAVEL	7865	20015	22000	52000		30000	**
27	OFFICE SUPPLIES	9732	12710	7325	17500		10175	
28	OTHER SUPPLIES	7988	2556	7000	11500		4500	
29	PRINTING	45552	41652	55188	52500		-2688	
30	PROF/SCIEN SERVICES	0	4000	0	192655		192655	**
31	OUTSIDE SERVICES	87	5288	6000	23700		17700	
32	DATA PROCESSING	171	2630	6000	4400		-1600	
33	STATE REIMBURSEMENT	29423	12458	12200	12450		250	
34	EQUIPMENT	16985	36737	18270	13000		-5270	
35	LICENCE FEES	0	0	0	100		100	
36	-----							
37	TOTAL EXPENDITURES	199466	385923	508065	856646		348581	
38	*****							
39	COMMENTS:							
40								
41	* THE FTE CEILING OF 11 FTE IS BEING EXCEEDED BY 2.75 FTE. THE NEW POSITIONS ARE							
42	FOR THE PREPARATION OF THE FEDERALLY FUNDED CAPACITY ASSURANCE PLAN.							
43								
44	**THE INCREASED TRAVEL IS FOR PREPARATION OF THE CAPACITY ASSURANCE PLAN. THE ADDITIONAL							
45	PROFESSIONAL & SCIENTIFIC SERVICE COSTS ARE ALSO FOR CAPACITY ASSURANCE AS WELL AS							
46	2 OTHER FEDERALLY FUNDED PROJECTS. IMPLEMENTATION OF A COMMUNICATIONS NETWORK FOR RECYCLING							
47	MARKETS & PREPARATION OF INFORMATION & EDUCATION MATERIALS FOR THE HOUSEHOLD HAZ WASTE							
48	PROGRAM.							
49	*****							

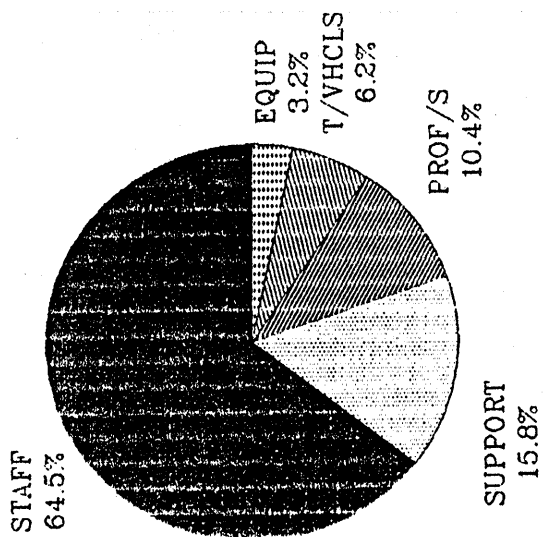
MAJOR FUND SOURCES BY F.Y.



OPERATIONS EXPENDITURES

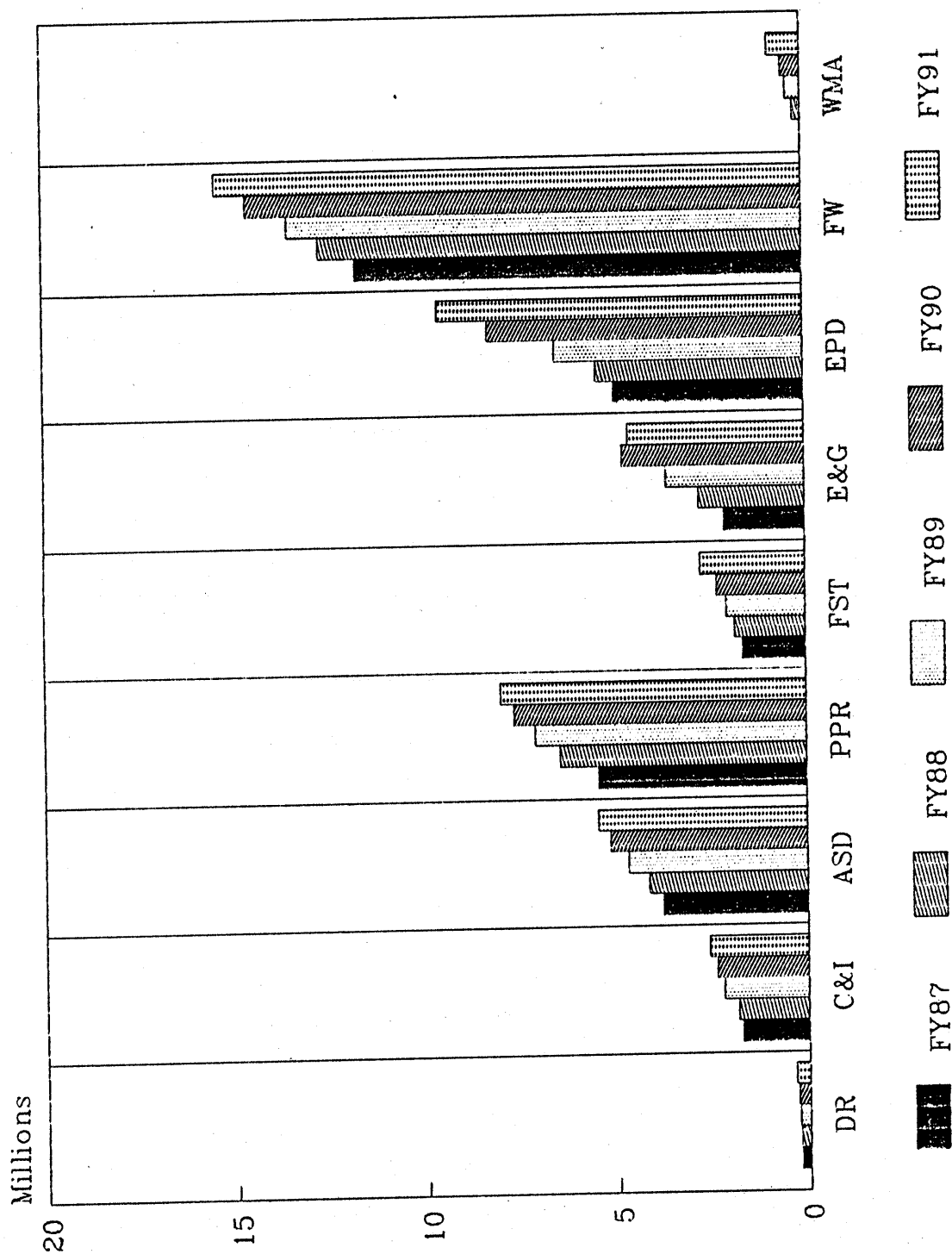


FY90 EXPENDITURES

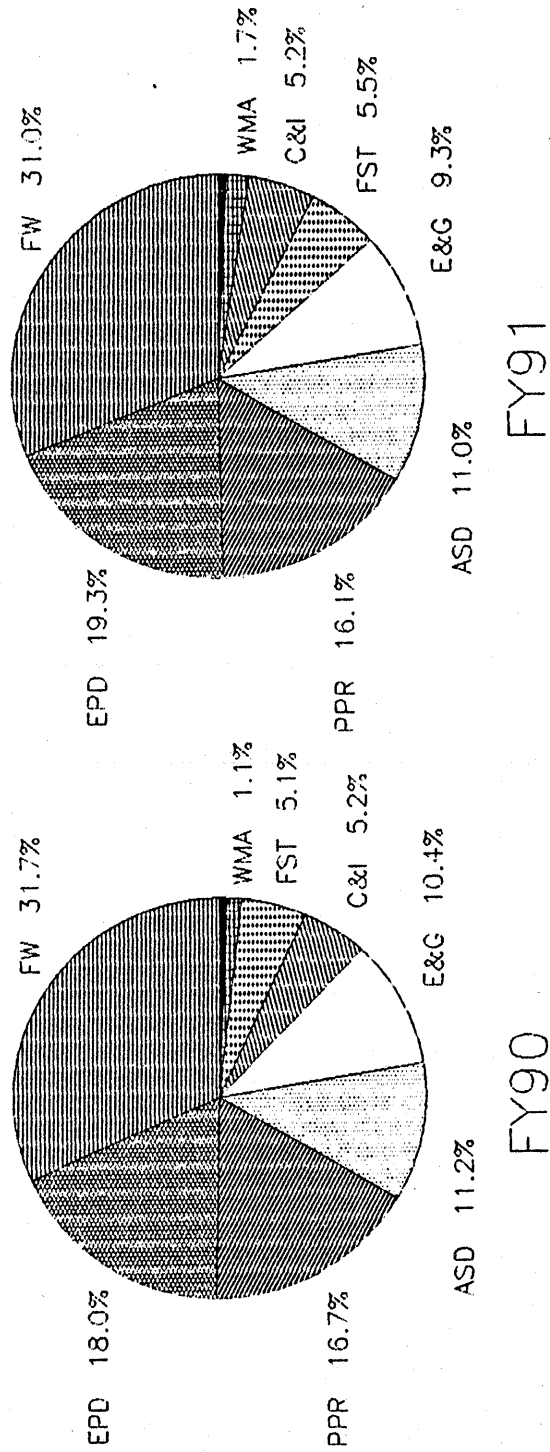


FY91 EXPENDITURES

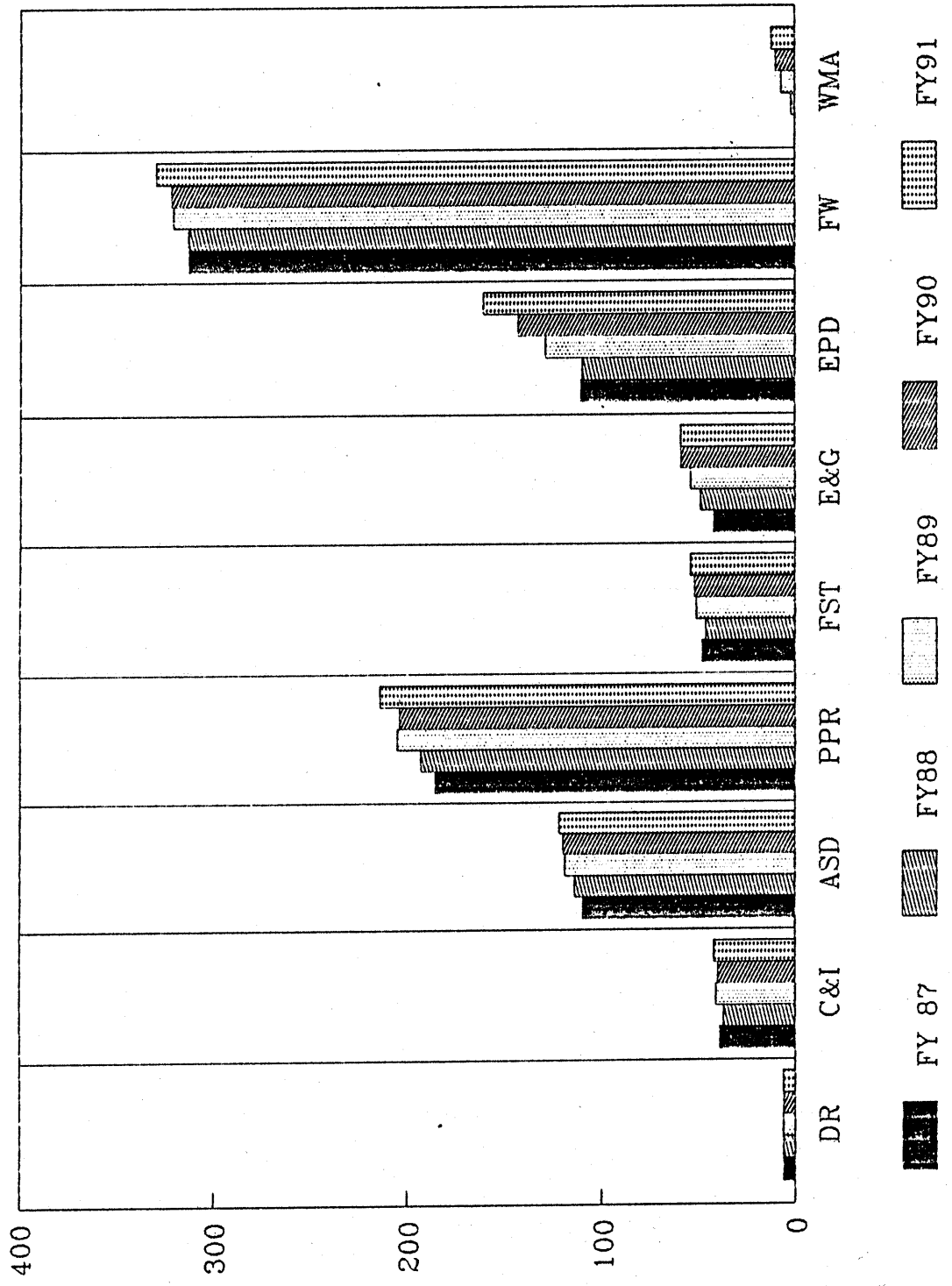
DIVISIONS BY F.Y.



FY90 and FY91 Budget, Divisions



COMPARATIVE F.T.E. LEVELS



RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
	BASE	\$ 37,518,527	GF \$ 9,576,085	\$ 37,313,712	GF \$ 9,565,880
	Maintain only essential services associated with natural resource protection, recreation and preservation.	(768.83)	OT 15,090,708	(767.20)	OT 14,886,196
0001	Restore Wildcat Den, Fairport, Beeds Lake, Bellvue Lake Darling, & lake Keomah to FY 90 levels.	438,269	GF 338,269	439,030	GF 339,030
		(10.00)	OT 100,000	(10.00)	OT 100,000
0002	FARM FORESTRY Restore professional forestry management assistance to landowners by restoring three District Offices serving 30% of the state.	164,804	GF 164,804	165,149	GF 165,149
		(3.00)		(3.00)	
0003	WATER RIGHTS Restore water withdrawal program by providing for state supervision of water use activities.	134,756	GF 134,756	134,950	GF 134,950
		(3.00)		(3.00)	
0004	Restore Fish, Wildlife, and Enforcement research & operations activities to 80% of FY 90 levels.	915,306	OT 915,306	916,550	OT 916,550
		(19.80)		(19.80)	
0005	USGS MATCH Restore drilling program by providing for continued water quality/quantity investigations & related geological information collection.	96,461	GF 96,461	96,461	GF 96,461
		(2.00)		(2.00)	
0006	ADMINISTRATIVE SUPPORT BUREAU Restore administrative support to 95% of FY 90 staff level.	393,422	GF 236,053	393,422	GF 236,053
		(8.00)	OT 157,369	(8.00)	OT 157,369
0007	LEGAL Restore legal support to the FY 90 level of effort.	45,885	GF 27,531	45,970	GF 27,582
		(1.00)	OT 18,354	(1.00)	OT 18,388
0008	Restore Rathbun Hatchery to the FY 90 level. Restore Fish, & Wildlife research and operations activities to 90% of FY 90 levels.	957,903	OT 957,903	958,665	OT 958,665
		(21.85)		(21.85)	
0009	Restore Maquoketa Caves, Mines of Spain, Pilot Knob, Prairie Rose & Rock Creek to FY 90 levels.	351,646	GF 351,646	352,330	GF 352,330
		(7.00)		(7.00)	

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS
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STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1990-1992 BIENNIAL
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT
(RANKING SCHEDULE)
DATE 09/16/89 TIME 15.18.08
PAGE 4

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0010	FLOOD PLAIN Restore Floodplain Program by providing for state supervision of floodplain construction activities.	\$ (397,707 GF \$ 9.00)	397,707	\$ (398,153 GF \$ 9.00)	398,153
0011	WATER SUPPLY Restore water supply permit review turnaround time to FY 90 levels.	(84,507 GF 2.00)	21,127	(84,733 GF 2.00)	21,353
0012	Restore accounting & data processing services to 90% of FY 90 level.	(279,135 GF 6.00) OT	167,481 111,654	(279,210 GF 6.00) OT	167,526 111,684
0013	CONSTRUCTION SERVICES BUREAU Restore construction services to the FY 90 level. Provide design & contract administration of DNR development & renovation projects.	(612,086 GF 15.00) OT	367,252 244,834	(613,006 GF 15.00) OT	367,804 245,202
0014	Restore AA Call, Mapsipinicon, Maubonsie, Wilson Island, & Volga to FY 90 levels.	(307,542 GF 5.00)	307,542	(308,272 GF 5.00)	308,272
0015	Restore Fish, Wildlife, & Enforcement research & operations activities to 95% of FY 90 levels.	(863,893 GF 19.60) OT	863,893	(865,108 GF 19.60) OT	865,108
0016	LAND ACQUISITION/MGMT BUREAU Restore land acquisition to 90 level providing for appraisal negotiation & relocation activities associated with acquiring natural resource land.	(197,367 GF 4.00) OT	78,947 118,420	(197,700 GF 4.00) OT	79,080 118,620
0017	GEOLOGICAL & MINERAL RESOURCES Restore sample processing & tracking, field equipment maintenance/repair & map/publications cataloging.	(88,684 GF 2.50)	88,684	(88,755 GF 2.50)	88,755
0018	Restore Yellow River to 95% and Stephens and Loess Hills Pioneer State Forests to 100% of FY 90 levels.	(121,476 GF 4.00)	121,476	(121,476 GF 4.00)	121,476
0019	GEOLOGICAL & MINERAL RESOURCES Restore analysis of soils & sediments needed as a data base for siting landfills/ haz w storage fac. & locating sand/gravel/stone etc. for const projts	(47,738 GF 1.00)	47,738	(47,853 GF 1.00)	47,853

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS

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STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1990-1992 BIENNium
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT
(RANKING SCHEDULE)
DATE 09/16/89 TIME 15.18.08
PAGE 5

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0020	Restore accounting and licensing to the FY 90 level.	\$ (81,277 GF \$ 48,767 (3.00) OT 32,510		\$ (81,277 GF \$ 48,767 (3.00) OT 32,510	
0021	Restore Fish, Wildlife, and Enforcement research and operations activities to the FY 90 level.	(931,980 (32.37) OT	931,980	(932,362 (32.37) OT	932,362
0022	Restore Yellow River and Shimek State Forests to 100% of FY 90 levels.	(92,056 GF (3.00)	92,056	(92,056 GF (3.00)	92,056
0023	WASTE MGMT. AUTH. SOLID WASTE Restore Waste Mgt Authority Division general administration which was funded from the Solid Waste Account through FY 90.	(152,286 GF (3.00)	152,286	(152,484 GF (3.00)	152,484
0024	STATEWIDE PARKS Restore funds for replacement of such items as picnic tables, fire rings, grilles, fire pits, etc in order to maintain park facilities.	57,500 GF	57,500	57,500 GF	57,500
0025	STATEWIDE PARKS Restore funding to maintain the State Park Trail System.	75,000 GF	75,000	75,000 GF	75,000
0026	GEOLOGICAL & MINERAL RESOURCES Restore microscopic analysis & description of drill samples from private, municipal, & industrial wells.	(41,479 GF (1.00)	41,479	(41,594 GF (1.00)	41,594
0027	Restore Bdg & Grants/Data Processing to 90 levels allowing for local recreation grant processing, & continuation of information processing activities.	(158,784 GF (4.00) OT	95,270 63,514	(159,014 GF (4.00) OT	95,408 63,606
0028	Restore administrative support to FY 90 level providing for records mgt & deer license processing activities.	(58,039 GF (2.40) OT	34,823 23,216	(58,039 GF (2.40) OT	34,823 23,216
0029	OUTDOOR RECREATION Restore planning staff to maintain the statewide comprehensive outdoor recreation plan and provide impact analysis of DNR policies.	(92,390 GF (2.00) OT	55,434 36,956	(92,390 GF (2.00) OT	55,434 36,956

NATURAL RESOURCES, DEPARTMENT OF
 NATURAL RESOURCES
 NATURAL RESOURCES DEPARTMENT OPERATIONS
 90001542G72

STATE OF IOWA

DEPARTMENT OF MANAGEMENT
 BUDGET WORKSHEETS FOR 1990-1992 BIENNium
 RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT
 (RANKING SCHEDULE)
 DATE 09/16/89 TIME 15.18.08
 PAGE 6

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0030	PUBLICATIONS Restore personnel for newsletter, radio, tv spot production.	\$ (127,156	GF \$ 76,294	\$ (127,271	GF \$ 76,363
		(3.00)	OT 50,862	(3.00)	OT 50,908
0031	FARM FORESTRY Restore farm forestry program to 100% of FY 90 level.	(86,000	GF 86,000	(86,000	GF 86,000
		(2.00)		(2.00)	
0032	PUBLICATIONS Restore field information and education activities to the FY 90 level.	(66,815	GF 40,089	(66,815	GF 40,089
		(2.00)	OT 26,726	(2.00)	OT 26,726
0033	LEGAL Restore administrative asst to legal to provide project tracking and monitoring activities for the section.	(31,794	GF 19,076	(31,794	GF 19,076
		(1.00)	OT 12,718	(1.00)	OT 12,718
0034	PUBLICATIONS Restore graphic support for technical report and brochure production activities.	(49,171	GF 29,503	(49,171	GF 29,503
		(1.50)	OT 19,668	(1.50)	OT 19,668
0035	AIR QUALITY Provide for implementation of an on-going air quality toxics monitoring, permitting & inspection program.	(789,000	GF 789,000	(789,000	GF 789,000
		(9.00)		(9.00)	
0036	CONST GRANTS NON-GRANT Enhance the Departments ability to conduct detailed assessments & evaluations of Iowa's surface water streams & rivers.	(493,000	GF 493,000	(493,000	GF 493,000
		(3.00)		(3.00)	
0037	GROUNDWATER QUALITY PLANNING Provide for implementation of a statewide groundwater monitoring program consisting of 615 fixed station long-term monitoring wells.	(577,000	GF 577,000	(577,000	GF 577,000
		(1.00)		(1.00)	
0038	MISSISSIPPI RIVER MONITORING Utilize increased federal funds to expand the Mississippi Monitoring Program.	(116,453	OT 116,453	(140,789	OT 140,789
		(5.00)		(7.00)	
0039	LAND ACQUISITION/MGMT BUREAU Provide for additional land acquisition personnel to handle the open spaces acquisition program under the Resource Enhancement & Protection prog.	(49,850	GF 19,940	(49,850	GF 19,940
		(1.00)	OT 29,910	(1.00)	OT 29,910

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPARTMENT OPERATIONS

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STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1990-1992 BIENNium
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT
(RANKING SCHEDULE)
DATE 09/16/89 TIME 15.18.08
PAGE 7

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0040	ADMINISTRATIVE SUPPORT BUREAU Provide for improved records mgt capability through the purchase of additional filing equipment & optical scanning equipment.	\$ 30,000	GF \$ 30,000	\$ 30,000	GF \$ 30,000
0041	ADMINISTRATIVE SERVICES DIV MGMT Provide for administrative cost increases for vehicle operation & depreciation as well as supply & other support cost categories.	134,600	GF OT 80,760 53,840	134,600	GF OT 80,760 53,840
0042	WASTE MGMT. AUTH. SOLID WASTE Provide additional technical, educational, & promotional capabilities associated with implementation of recycling programs.	178,500	GF (4.00) 178,500	178,500	GF (4.00) 178,500
0043	LOESS HILLS Provide additional funds for equipment and maintenance of the newly acquired Loess Hills Pioneer State Forest.	40,000	GF 40,000	40,000	GF 40,000
0044	FARM FORESTRY Provide staffing & support for additional forestry management assistance to implement the forestry cost share program.	87,000	GF (2.00) 87,000	87,000	GF (2.00) 87,000
0045	GEOLOGICAL SURVEY BUREAU MGMT Replace truck which carries the drilling rig & provide for drill maintenance.	42,000	GF 42,000	42,000	GF 42,000
0046	PRESERVES/ECOL SERVICES BUREAU Provide funding for maintenance of State Preserves, scientific studies, & development of Preserves Management Plans.	30,000	GF (1.00) 30,000	30,000	GF (1.00) 30,000
0047	WELL-CAPPING GRANTS Provide for plugging of 50 abandoned DNR wells per year. FY 91 & 92 would be years 1 & 2 of a 5 year program.	40,000	GF 40,000	40,000	GF 40,000
0048	 Provide additional funds for equipment and maintenance of existing state forest areas.	60,000	GF 60,000	60,000	GF 60,000

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1990 - 1991		TOTAL DEPT REQUEST FY 1991 - 1992	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0049	NON-GAME RESEARCH Provide for non-game program expansion utilizing state general fund monies.	\$ 200,000 (1.00)	200,000	\$ 200,000 (1.00)	200,000
0050	WATER RESOURCES Develop information on new sand aquifer for ag use in drought prone western Iowa.	29,200 GF	29,200	29,200 GF	29,200
0051	GEOLOGICAL & MINERAL RESOURCES Provide for microscopic analysis & description of 9200 sets of backlogged drill samples.	35,350 GF (1.00)	35,350	35,350 GF (1.00)	35,350
0052	DIRECTED PROJECTS Provide for the purchase of digital map data & landstat data as well as a raster plotter for the Geographical information system.	65,000 GF	65,000	65,000 GF	65,000
0053	WATER RESOURCES Investigate Missouri River water resources and quality to assess water availability for S.W. Iowa during drought periods.	29,800 GF (.50)	29,800	29,800 GF (.50)	29,800
0054	LAW ENFORCEMENT BUREAU MGMT Provide for two additional Conservation Officers as required in HF-88 if additional funds are available from sale of non-res Deer/Turkey lic.	125,500 (2.00) OT	125,500	125,500 (2.00) OT	125,500
0055	LEGISLATIVE LIASION Pay for membership dues in the Upper Mississippi and Missouri River Basin Associations	50,000 GF	50,000	50,000 GF	50,000
TOTAL		\$ 46,762,144 (968.81) OT	GF \$ 13,441,699 OT 20,035,900	\$ 49,149,861 (1,003.72) OT	GF \$ 16,298,354 OT 19,926,491

Mr. Kuhn displayed and explained overheads showing graft charts for Major Fund Sources by FY, Comparative FTE Levels, Divisions by FY, Operating Expenditures, EPC Funding Sources, EPD Expenditures, EPD Budget by Bureau, WMA Funding Sources, and WMA Expenditures. He gave a detailed explanation of the budget and asked that the Commission provide him with their input in the next several weeks.

A lengthy discussion followed regarding various items in the budget including whether or not each Commissioner should provide individual budget priority lists to staff.

Richard Hartsuck stated that he thinks staff should set budget priorities and bring them for Commission approval rather than each Commissioner setting individual priorities.

Director Wilson suggested that the Commission scrutinize the budget and let staff know of any questions and concerns they might have.

This was an informational item; no action was required.

LEGISLATION REPORT

James Combs, Division Administrator, Coordination & Information Division, presented the following item.

Iowa Department of Natural Resources

1991 Legislative Priorities

1. Revenue increase for Fish and Game Protection Fund

This can be accomplished by increasing the license fees according to the schedules proposed in 1989 and 1990, or by supplementing the receipts from those fees from other sources.

2. Environmental Protection Division budget increase

Over the past several years, the General Assembly has added significantly to the programs administered by the Environmental Protection Division without making corresponding increases to the funding and staffing allocated to the Division. The cumulative result of these program additions is that the Division needs an additional \$2.5 million and 25 full-time equivalent positions to implement all of its programs.

3. Fund the Statewide Waste Reduction and Recycling Network established in section 455D.5

When the General Assembly passed the Waste Volume Reduction and Recycling Act in 1989, it added major new programs and activities to the Waste Management Authority Division.

4. Fund Household Hazardous Materials and Toxic Clean-up Days programs

Both of these programs receive minimal funding through the fees paid by retailers selling household hazardous materials. In 1988 and 1989, these fees were supplemented by an appropriation of Lottery receipts.

5. Supplement the funds for Abandoned Well Plugging grants to counties

Governor Branstad initiated this supplement to the funds for this purpose allocated from the Groundwater Protection Fund in 1989. This has been a very successful and well-received program. There is a large need for funds because of the large number of abandoned wells that exist in the State.

6. Appropriate funds to support the Department's responsibilities under the Energy Efficiency Act of 1990

The Energy and Geological Resources Division will need approximately \$555,000 and 8 full-time equivalent positions to fulfill its responsibilities under the Energy Efficiency Act of 1990.

7. General permit authority for Environmental Protection Division

This authority would allow the Department to adopt general permit conditions for common and minor activities by rule and to then grant a permit to an individual or business to engage in that activity so long as they notify the Department ahead of time and so long as they comply with the conditions of the general permit. This concept received favorable consideration in the Senate in 1990, but was stopped in the House.

8. Update and standardize the authorizing language on the Department's funds

The language creating and specifying the uses of the Department's funds is not appropriate to current circumstances in many cases. For example, the language used in establishing funds created during the last four years is more workable with respect to accepting federal and private funds. Also, locating the authorizing language for all of the Department's funds in one chapter might be appropriate.

When the General Assembly has created funds over the past four years, they have included provisions that allocate the receipts to those funds to general program areas within the Code. We are considering the advantages and disadvantages of proposing similar kinds of allocation provisions for some of the Department's older funds.

9. Filter strips/surface water protection

This bill would require that mechanisms to protect rivers and lakes from surface run-off be established. The mechanism that has been supported by the Department and Commissions and discussed in the General Assembly for the past three years is the creation of filter strips up to 66 feet in width along rivers and lakes. A primary issue that must be resolved for this sort of a bill to pass revolves around compensation for the loss of use of property. SF 2153 (1990 Session) appropriated 18.8% of the Lottery proceeds to the Water Protection Fund administered by the Division of Soil Conservation of DALS for a filter strip cost-share program in which up to the full cost of installation can be reimbursed and waterways projects.

10. Implied consent for boaters

Under current law, a peace officer must witness a watercraft operator who is intoxicated and adversely affecting public safety before issuing a citation. The Natural Resource Commission supported a law change that would give peace officers the same type of implied consent authority for boaters as now exists for motor vehicle operators. Because that proposal did not meet much favor in 1990, Commissioner Nelson has suggested that the implied consent authority be limited to cases in which there has been a boating accident.

11. Hunter safety certificate

Current law requires that the person issuing a hunting license verify that the applicant, if born after January 1, 1967, has a valid hunter safety certificate before the license is issued. This requirement places the burden and liability for determining compliance with this law on the wrong person. The applicant for the license should bear the responsibility for having the certificate before the license is issued. That person would be required to show a conservation officer a valid license and hunter safety certificate upon request.

12. Fireworks in state parks

Current law prohibits the use of fireworks in state parks. Practice has been that a limited number of qualified groups have been given permission to produce fireworks displays in state parks. This bill would recognize the current practice and establish a permit process for authorizing the use of fireworks in state parks by qualified groups.

Mr. Combs distributed draft copies of DNR's 1991 Legislative Priorities and asked that the Commission provide comments on anything they might want added, deleted or changed.

Nancylee Siebenmann commented on the issue of interstate waste disposal and related that this should be a Commission concern and maybe should be taken as a recommendation for a legislative priority.

Mr. Combs pointed out that most of Iowa's hazardous waste leaves Iowa for disposal. He related that we must be careful not to close our borders and end up getting borders closed on us.

Commissioner Siebenmann expressed concern that it is not known what is in the waste that is being brought into and transported across Iowa.

Director Wilson indicated that Allan Stokes will prepare a report on the types of waste coming in and what land bans are in effect in other states that are not in effect in Iowa and visa-versa.

Richard Hartsuck asked if it would be possible, in Iowa, to have solid waste and not have a place to go with it if a county doesn't choose to accept it.

Teresa Hay stated that there could be a problem with disposal of certain types of materials such as waste oil, tires, and some of the special wastes that are hard to handle. She added that the Code states that every city and county is responsible for the proper disposal of all solid wastes generated within their jurisdiction. She related that it hasn't always been enforced in terms of actually requiring every city or county to have a facility within their own jurisdiction.

Commissioner Hartsuck commented that he doesn't think it is realistic to expect every city in Iowa to provide that kind of facility. He suggested that the Commission have as a legislative priority, the need for governmental reorganization to provide economic, environmentally-sound solid waste disposal in Iowa and specifically put the primary responsibility on the counties.

This was an informational item; no action was required.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The year-to-date Financial Status Report, by division, will be mailed separately as soon as it becomes available. The report

will cover FY90 through June 30, and is expected to be available by the end of the first week in July.

This report will be especially useful as it relates to the FY91 proposed budget, and the FY92 and FY93 request. The actual salaries shown will include the total payroll cost for FY90. The support costs, for the most part will reflect expenditures for the first eleven months or the first three quarters of the fiscal year, depending on the billing practice.

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 1

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE	15,530.11	213,576.69	223,101.00	9,524.31-	223,101.00
101 PERSONAL SERVICES	3,260.14	37,560.05	36,760.00	800.05	40,000.00
202 PERSONAL TRAVEL	55.86	1,632.02	1,100.00	532.02	1,200.00
301 OFFICE SUPPLIES	0.00	665.50	1,100.00	434.50-	1,200.00
303 EQUIPMENT MAINTENANCE SUP	0.00	1,003.26	120.00	883.26	120.00
308 OTHER SUPPLIES	1,086.05	12,975.25	12,110.00	865.25	14,120.00
309 PRINTING & BINDING	0.00	29.58	4,500.00	4,470.42-	6,000.00
405 PROF & SCIENTIFIC SERVICE	1,253.83	1,851.68	2,750.00	898.32-	3,200.00
406 OUTSIDE SERVICES	217.49	2,127.74	4,000.00	1,872.26-	4,800.00
410 DATA PROCESSING	0.00	673.01	0.00	673.01	0.00
414 REIMBURSEMENTS TO OTHER A	0.00	2,274.75	4,800.00	2,525.25-	4,800.00
501 EQUIPMENT					
DIVISION TOTAL	21,403.48	274,369.53	290,341.00	15,971.47-	298,541.00

PAGE 2

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION	113,547.46	1,471,389.84	1,481,952.00	10,562.16-	1,481,952.00
101 PERSONAL SERVICES	998.99	43,235.09	42,075.00	1,160.09	45,800.00
202 PERSONAL TRAVEL	0.00	8,303.22	10,020.00	1,716.78-	10,931.00
203 STATE VEHICLE OPERATION	0.00	13,215.00	16,225.00	3,010.00-	17,700.00
204 STATE VEHICLE DEPRECIATIO	1,167.21	85,826.43	64,625.00	21,201.43	70,500.00
301 OFFICE SUPPLIES	836.40	16,500.18	22,083.00	5,582.82-	24,000.00
302 FACILITY MAINTENANCE SUPP	242.15	10,669.17	11,000.00	330.83-	12,000.00
303 EQUIPMENT MAINTENANCE SUP	14.25	234.25	500.00	265.75-	500.00
307 AG., CONSERVATION & HORT S	3,237.89	69,497.17	26,325.00	43,172.17	28,700.00
308 OTHER SUPPLIES	85,916.76	382,320.98	343,295.00	37,025.98	373,950.00
309 PRINTING & BINDING	124.95	2,518.11	2,779.00	260.89-	2,850.00
312 UNIFORMS & RELATED ITEMS	1,613.31	13,397.87	8,433.00	4,964.87	9,200.00
401 COMMUNICATIONS	210.00	1,691.41	500.00	1,191.41	500.00
402 RENTALS	1,728.61	29,261.82	24,520.00	4,741.82	26,750.00
403 UTILITIES	4,015.00	45,482.50	101,920.00	56,437.50-	101,920.00
405 PROF & SCIENTIFIC SERVICE	2,891.71	54,630.49	49,750.00	4,880.49	60,000.00
406 OUTSIDE SERVICES	0.00	20,385.12	12,500.00	7,885.12	12,500.00
408 ADVERTISING & PUBLICITY	1,227.79	10,492.04	17,467.00	6,974.96-	19,600.00
410 DATA PROCESSING	30.00	3,177.65	5,000.00	1,822.35-	5,000.00
414 REIMBURSEMENTS TO OTHER A	6,020.51	82,129.34	68,050.00	14,079.34	68,150.00
501 EQUIPMENT					
DIVISION TOTAL	223,822.99	2,364,357.68	2,311,019.00	53,338.68	2,372,503.00

PAGE 3

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.	281,713.41	3,699,530.77	3,870,134.00	170,603.23-	3,870,134.00
101 PERSONAL SERVICES	3,684.21	43,966.61	56,550.00	12,583.39-	61,400.00
202 PERSONAL TRAVEL	162.00	45,467.86	56,200.00	10,732.14-	58,500.00
203 STATE VEHICLE OPERATION	0.00	59,080.00	66,100.00	7,020.00-	68,500.00
204 STATE VEHICLE DEPRECIATIO	30,115.78	443,431.95	321,680.00	121,751.95	340,050.00
301 OFFICE SUPPLIES	115.60	550.43	1,700.00	1,149.57-	1,700.00
302 FACILITY MAINTENANCE SUPP	5,222.57	69,516.21	60,825.00	8,691.21	63,390.00
303 EQUIPMENT MAINTENANCE SUP	1,796.63	15,032.87	12,250.00	2,782.87	12,900.00
308 OTHER SUPPLIES	2,435.40	29,840.00	24,691.00	5,149.00	27,075.00
309 PRINTING & BINDING	479.96	3,508.69	4,200.00	691.31-	4,200.00
312 UNIFORMS & RELATED ITEMS	25,100.26	212,501.96	204,035.00	8,466.96	221,900.00
401 COMMUNICATIONS	0.00	328.50	500.00	171.50-	500.00
402 RENTALS	7,597.08	29,396.05	35,000.00	5,603.95-	35,950.00
406 OUTSIDE SERVICES	147.34	147.34	900.00	752.66-	1,000.00
408 ADVERTISING & PUBLICITY	8,611.60	94,659.51	110,900.00	16,240.49-	119,500.00
410 DATA PROCESSING	0.00	90,832.00	112,000.00	21,168.00-	112,000.00
412 AUDITOR OF STATE REIMBURS	180.00	13,064.33	9,450.00	3,614.33	11,650.00
414 REIMBURSEMENTS TO OTHER A	20,136.70	138,176.77	142,350.00	4,173.23-	142,350.00
501 EQUIPMENT	0.00	2.50	100.00	97.50-	150.00
701 LICENSES					
DIVISION TOTAL	387,498.54	4,989,034.35	5,089,565.00	100,530.65-	5,152,849.00

131

July 1990

Environmental Protection Commission Minutes

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 4

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	523,467.91	5,019,078.56	5,073,170.00	54,091.44-	5,073,170.00
202 PERSONAL TRAVEL	7,558.91	57,473.81	98,214.00	40,740.19-	103,709.00
203 STATE VEHICLE OPERATION	242.11	163,713.83	178,281.00	14,567.17-	179,776.00
204 STATE VEHICLE DEPRECIATIO	0.00	188,680.00	281,557.00	92,877.00-	287,369.00
301 OFFICE SUPPLIES	1,939.04	32,582.71	44,629.00	12,046.29-	45,575.00
302 FACILITY MAINTENANCE SUPP	88,567.41	653,738.05	642,602.00	11,136.05	692,568.00
303 EQUIPMENT MAINTENANCE SUP	48,358.96	284,310.85	266,828.00	17,482.85	294,000.00
307 AC. CONSERVATION & HORT S	7,696.81	16,974.64	19,500.00	2,525.36-	19,500.00
308 OTHER SUPPLIES	8,218.03	58,934.37	25,906.00	33,028.37	26,944.00
309 PRINTING & BINDING	4,032.98	35,760.48	100,939.00	65,178.52-	102,339.00
312 UNIFORMS & RELATED ITEMS	12,307.76	49,933.55	47,767.00	2,166.55	50,010.00
401 COMMUNICATIONS	9,617.23	80,257.22	68,059.00	12,198.22	72,182.00
402 RENTALS	4,392.56	25,613.39	16,640.00	8,973.39	20,540.00
403 UTILITIES	29,760.99	317,243.27	257,407.00	59,836.27	293,276.00
405 PROF & SCIENTIFIC SERVICE	9,440.64	33,971.39	46,945.00	12,973.61-	60,045.00
406 OUTSIDE SERVICES	23,738.05	155,618.29	142,645.00	12,973.29	165,332.00
408 ADVERTISING & PUBLICITY	436.30	4,919.11	4,030.00	889.11	4,030.00
410 DATA PROCESSING	309.48	2,832.84	6,300.00	3,467.16-	8,000.00
414 REIMBURSEMENTS TO OTHER A	265.00	10,463.65	895.00	9,568.65	1,675.00
501 EQUIPMENT	10,905.62	207,927.72	197,436.00	10,491.72	197,730.00
701 LICENSES	0.00	432.77	2,489.00	2,056.23-	2,498.00
DIVISION TOTAL	791,255.79	7,400,460.50	7,522,239.00	121,778.50-	7,700,268.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 5

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	121,943.93	1,673,247.03	1,715,917.00	42,669.97-	1,715,917.00
202 PERSONAL TRAVEL	5,730.21	43,300.92	36,290.00	7,010.92	40,235.00
203 STATE VEHICLE OPERATION	0.00	61,746.34	73,700.00	11,953.66-	75,000.00
204 STATE VEHICLE DEPRECIATIO	42,168.56	140,878.56	118,900.00	21,978.56	118,900.00
301 OFFICE SUPPLIES	2,490.34	51,855.77	16,480.00	35,375.77	16,920.00
302 FACILITY MAINTENANCE SUPP	5,219.68	22,134.17	29,700.00	7,565.83-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	7,113.38	57,927.43	54,800.00	3,127.43	58,700.00
307 AC. CONSERVATION & HORT S	513.28	77,628.00	108,378.00	30,750.00-	108,378.00
308 OTHER SUPPLIES	3,157.32	16,301.32	15,850.00	451.32	15,900.00
309 PRINTING & BINDING	861.05	12,838.55	18,520.00	5,681.45-	18,720.00
312 UNIFORMS & RELATED ITEMS	707.09	13,855.54	14,225.00	369.46-	14,225.00
401 COMMUNICATIONS	4,401.35	28,393.86	21,698.00	6,695.86	23,730.00
402 RENTALS	1,029.00	19,628.16	15,200.00	4,428.16	17,200.00
403 UTILITIES	2,077.45	26,860.58	25,733.00	1,127.58	26,084.00
406 OUTSIDE SERVICES	2,781.52	42,058.77	41,600.00	458.77	42,800.00
408 ADVERTISING & PUBLICITY	51.62	515.23	900.00	384.77-	900.00
410 DATA PROCESSING	173.59	1,740.63	1,200.00	540.63	1,200.00
414 REIMBURSEMENTS TO OTHER A	110.00	1,084.61	1,100.00	15.39-	1,100.00
501 EQUIPMENT	1,158.91	61,723.52	100,304.00	38,580.48-	100,304.00
701 LICENSES	0.00	305.00	100.00	205.00	100.00
DIVISION TOTAL	201,688.28	2,354,023.99	2,410,595.00	56,571.01-	2,427,313.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 6

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	161,396.56	2,081,751.51	2,161,890.00	80,138.49-	2,161,890.00
202 PERSONAL TRAVEL	4,579.79	62,540.87	74,960.00	12,419.13-	77,592.00
203 STATE VEHICLE OPERATION	0.00	18,434.59	26,540.00	8,105.41-	26,540.00
204 STATE VEHICLE DEPRECIATIO	0.00	23,135.00	23,442.00	307.00-	23,442.00
301 OFFICE SUPPLIES	1,829.39	17,749.57	12,810.00	4,939.57	13,296.00
302 FACILITY MAINTENANCE SUPP	549.14	3,248.21	3,800.00	551.79-	3,800.00
303 EQUIPMENT MAINTENANCE SUP	323.69	3,647.66	3,600.00	47.66	3,600.00
304 PROF. & SCIENTIFIC SUPPL	3,310.00-	2,936.69	13,546.00	10,609.31-	13,546.00
308 OTHER SUPPLIES	2,349.88	40,748.06	28,200.00	12,548.06	28,200.00
309 PRINTING & BINDING	3,864.89	47,203.76	67,664.00	20,460.24-	69,296.00
401 COMMUNICATIONS	3,106.98	16,731.44	18,512.00	1,780.56-	18,512.00
402 RENTALS	175.00	2,178.60	2,100.00	78.60	2,100.00
403 UTILITIES	1,842.06	12,204.81	19,750.00	7,545.19-	19,750.00
405 PROF & SCIENTIFIC SERVICE	93,104.88	1,006,498.62	2,120,987.00	1,114,488.38-	2,180,861.00
406 OUTSIDE SERVICES	6,397.77	23,116.01	10,302.00	12,814.01-	10,763.00
410 DATA PROCESSING	5,178.78	13,781.41	13,529.00	252.41	14,168.00
414 REIMBURSEMENTS TO OTHER A	0.00	8,302.44	5,765.00	2,537.44	6,162.00
501 EQUIPMENT	32,786.78	117,266.26	61,993.00	55,273.26	63,151.00
DIVISION TOTAL	314,175.59	3,501,475.51	4,669,390.00	1,167,914.49-	4,736,669.00

E90Jul-132

Environmental Protection Commission Minutes

July 1990

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 7

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	415,721.26	5,400,741.51	5,500,002.00	99,260.49-	5,500,002.00
202 PERSONAL TRAVEL	11,963.58	89,333.55	155,800.00	66,466.45-	158,000.00
203 STATE VEHICLE OPERATION	0.00	32,161.26	41,000.00	8,838.74-	43,000.00
204 STATE VEHICLE DEPRECIATIO	0.00	51,700.00	63,000.00	11,300.00-	63,000.00
301 OFFICE SUPPLIES	1,712.83	27,753.59	39,950.00	12,196.41-	39,950.00
302 FACILITY MAINTENANCE SUPP	125.09	1,578.00	7,500.00	5,922.00-	7,500.00
303 EQUIPMENT MAINTENANCE SUP	1,715.75	8,501.49	9,550.00	1,048.51-	9,800.00
304 PROF. & SCIENTIFIC SUPPL	0.00	426.80	5,000.00	4,573.20-	5,000.00
308 OTHER SUPPLIES	1,803.60	18,283.69	24,020.00	5,736.31-	24,320.00
309 PRINTING & BINDING	1,727.35	17,458.95	38,650.00	21,191.05-	38,650.00
312 UNIFORMS & RELATED ITEMS	86.28	6,124.96	3,200.00	2,924.96	3,200.00
401 COMMUNICATIONS	2,985.70	35,250.16	33,150.00	2,100.16	35,650.00
402 RENTALS	7,634.45	47,981.15	41,315.00	6,666.15	45,065.00
403 UTILITIES	745.47	8,708.39	13,605.00	4,896.61-	14,145.00
405 PROF & SCIENTIFIC SERVICE	176,258.01	594,805.67	1,264,705.00	669,899.33-	1,359,700.00
406 OUTSIDE SERVICES	6,804.89	33,712.23	36,570.00	2,857.77-	37,170.00
408 ADVERTISING & PUBLICITY	871.07	5,088.03	3,200.00	1,888.03	3,200.00
410 DATA PROCESSING	7,493.88	105,748.09	116,500.00	10,751.91-	137,500.00
414 REIMBURSEMENTS TO OTHER A	480.00	11,187.23	14,200.00	3,012.77-	14,200.00
501 EQUIPMENT	48,378.02	280,327.97	457,800.00	177,472.03-	474,950.00
701 LICENSES	25.00	105.00	285.00	180.00-	285.00
DIVISION TOTAL	686,532.23	6,776,977.72	7,869,002.00	1,092,024.28-	8,014,287.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 8

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	793,370.23	10,100,899.13	9,981,126.00	119,773.13	9,981,126.00
202 PERSONAL TRAVEL	32,887.30	349,105.02	346,117.00	2,988.02	354,865.00
203 STATE VEHICLE OPERATION	561.64	402,662.72	490,555.00	87,892.28-	502,455.00
204 STATE VEHICLE DEPRECIATIO	10,829.46	566,834.46	580,348.00	13,513.54-	587,706.00
301 OFFICE SUPPLIES	4,431.41	180,721.03	177,390.00	3,331.03	178,090.00
302 FACILITY MAINTENANCE SUPP	37,536.20	389,150.10	485,389.00	96,238.90-	515,191.00
303 EQUIPMENT MAINTENANCE SUP	39,304.34	360,705.02	372,843.00	12,137.98-	390,099.00
307 AG. CONSERVATION & HORT S	32,403.91	310,061.53	349,694.00	39,632.47-	364,062.00
308 OTHER SUPPLIES	26,336.70	127,922.84	106,513.00	21,409.84	108,138.00
309 PRINTING & BINDING	54,516.08	167,164.64	127,626.00	39,538.64	128,226.00
312 UNIFORMS & RELATED ITEMS	9,395.34	118,609.20	125,200.00	6,590.80-	125,200.00
401 COMMUNICATIONS	15,725.60	165,540.69	153,788.00	11,752.69	161,317.00
402 RENTALS	3,365.70	38,837.79	53,770.00	14,932.21-	55,085.00
403 UTILITIES	16,263.80	189,098.07	206,244.00	17,145.93-	220,306.00
405 PROF & SCIENTIFIC SERVICE	5,013.00	125,856.55	173,968.00	48,111.45-	173,968.00
406 OUTSIDE SERVICES	13,365.76	160,399.42	134,432.00	25,967.42	140,616.00
408 ADVERTISING & PUBLICITY	80.24	14,764.16	26,870.00	12,105.84-	26,870.00
410 DATA PROCESSING	616.05	41,342.85	38,000.00	3,342.85	38,000.00
414 REIMBURSEMENTS TO OTHER A	0.00	89,733.88	99,150.00	9,416.12-	100,250.00
501 EQUIPMENT	28,659.09	293,119.35	391,886.00	98,766.65-	392,861.00
602 OTHER EXPENSES & OBLIGATI	93.50	1,543.50	600.00	943.50	600.00
701 LICENSES	40.00	175.00	170.00	5.00	170.00
DIVISION TOTAL	1,124,795.35	14,194,246.95	14,421,679.00	227,432.05-	14,545,201.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 06/30/90

PAGE 9

	TOTAL EXPENDITURES 06/01/90 - 06/30/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	29,595.09	374,232.13	374,082.00	150.13	374,082.00
202 PERSONAL TRAVEL	1,147.00	34,098.36	22,000.00	12,098.36	22,000.00
301 OFFICE SUPPLIES	272.54	5,433.81	7,238.00	1,804.19-	7,325.00
308 OTHER SUPPLIES	57.72	7,281.03	6,913.00	368.03	7,000.00
309 PRINTING & BINDING	300.45	16,067.36	55,188.00	39,120.64-	55,188.00
406 OUTSIDE SERVICES	184.17	17,868.51	6,000.00	11,868.51	6,000.00
408 ADVERTISING & PUBLICITY	0.00	610.00	0.00	610.00	0.00
410 DATA PROCESSING	292.03	2,571.86	6,000.00	3,428.14-	6,000.00
414 REIMBURSEMENTS TO OTHER A	0.00	7,383.34	12,200.00	4,816.66-	12,200.00
501 EQUIPMENT	0.00	12,240.99	17,270.00	5,029.01-	17,270.00
DIVISION TOTAL	31,849.00	477,787.39	506,891.00	29,103.61-	507,065.00

E90Jul-133

Mr. Kuhn explained the report and answered questions on same.

This was an informational item; no action was required.

LANDFILL ALTERNATIVE GRANT APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

Seventy-three proposals were received by June 15, 1990 for the Landfill Alternatives Grant program. Funding requests totalled \$8.9 million dollars. One million dollars is available for allocation.

A summary of the proposals is attached for the Commission's information. Proposal reviews will be completed by staff in mid to late July.

LANDFILL ALTERNATIVES GRANTS PROPOSALS: FALL 1990

PROPOSAL #1: SKYLINE CENTER

GRANT REQUEST: \$131,000

DESCRIPTION: Requesting funding for equipment for a materials recovery facility which is largely funded by the Clinton County Area Solid Waste Agency and a Community Development block Grant. The project would process all materials and would employ 20 disabled persons.

PROPOSAL #2: LEE COUNTY SOLID WASTE MANAGEMENT COMMISSION

GRANT REQUEST: \$60,000

DESCRIPTION: Project to expand current program to maximize paper recycling and produce animal bedding from old newsprint.

PROPOSAL #3: MUSCATINE COUNTY KLEEN SWEEP

GRANT REQUEST: \$44,945

DESCRIPTION: Requesting funds for the purchase of a baler, skid loader, pickup truck and trailer for a recycling operation.

PROPOSAL #4: CITY OF MOUNT PLEASANT

GRANT REQUEST: \$43,375

DESCRIPTION: Establish a voluntary, once per week, pick up of plastic, metal, glass and paper. Also a curbside collection of yard waste for composting would be established.

PROPOSAL #5: CITY OF SIOUX CITY

GRANT REQUEST: \$148,000

DESCRIPTION: Feasibility study to test yard waste and co-compost and includes a market study so as to better market compost being generated in the city's project and other yard waste composting projects throughout the state.

**PROPOSAL #6: SIOUXLAND INTERSTATE PLANNING COUNCIL
SOUTH DAKOTA PUBLIC TELEVISION**

GRANT REQUEST: \$29,861

DESCRIPTION: Funding for the development of a video education package entitled "Dakota Smith and the Jewel of the Missouri" which tackles the solid waste situation in Iowa and South Dakota. The package is directed at a target audience of 6th-8th graders.

PROPOSAL #7: NISHNA SANITARY SERVICES, INC.

GRANT REQUEST: \$200,000

DESCRIPTION: Proposing a recycling facility to service Mills, Montgomery, Fremont, and Page Counties. The funding would be used for a tire shredder at the recycling facility.

PROPOSAL #8: UNIVERSITY OF NORTHERN IOWA

GRANT REQUEST: \$50,000

DESCRIPTION: Feasibility study for co-firing RDF with coal in fluidized bed boiler.

PROPOSAL #9: PROCESS FUELS, INC.

GRANT REQUEST: \$120,000

DESCRIPTION: Feasibility study of processing tires by thermal means. Uses part of the tire for fuel for the operation and turns some of the tire material into gases used as fuel in the process. The remaining tire material is liquified and is to be reused in the petrochemical industry for making rubber and plastic products.

PROPOSAL #10: SPECTRUM INDUSTRIES

GRANT REQUEST: \$84,700

DESCRIPTION: Expansion of current recycling facilities in Winneshiek County. Drop-off location throughout the county provided and labor for the project provided by Spectrum Industries (utilizing handicapped individuals).

PROPOSAL #11: MONONA COUNTY

GRANT REQUEST: \$127,695

DESCRIPTION: Requesting funds for the purchase of equipment for recycling operations as well as construction of a facility to be used as a recycling facility of transfer station.

PROPOSAL #12: MID-STEP SERVICES

GRANT REQUEST: \$94,000

DESCRIPTION: Project using mentally handicapped adults to staff a paper collection and sorting operation. The budget request from DNR for is for the purchase of equipment and a lease of a facility.

PROPOSAL #13: SIOUXLAND RECOVERY

GRANT REQUEST: \$188,000

DESCRIPTION: Establishment of a white goods recycling facility and upgrade of current recycling operations. The budget would cover the cost of a baler to be used for paper and for white goods.

PROPOSAL #14: LISA FRUECHTE

GRANT REQUEST: \$5,720

DESCRIPTION: Funding would be to institute a drop-off collection system for recyclable goods in Allamakee County. Funding would be for the building of the drop-off bins and sheds.

PROPOSAL #15: GERALD AND SANDY'S RECYCLING CENTER

GRANT REQUEST: \$20,825

DESCRIPTION: A grant to Gerald and Sandy's would expand current recycling operations in Fayette County. Requesting funding for the purchase of a fork lift, loading dock and a pole shed for the recycling operation.

PROPOSAL #16: SCOTT COUNTY SANITARY LANDFILL

GRANT REQUEST: \$101,520

DESCRIPTION: This would be for the establishment of drop-off sites for recyclable goods throughout Scott County. This project would also be working at making animal bedding from old newsprint.

PROPOSAL #17: FIRESTONE TIRE AND RUBBER

GRANT REQUEST: \$100,000

DESCRIPTION: Funding for this project would be for modifications and improvement to an existing incinerator. The incinerator will then have the ability to burn scrap tires produced at site for volume reduction and energy recovery.

PROPOSAL #18: RECYCLING SERVICES ASSOCIATES LTD

GRANT REQUEST: \$901,212

DESCRIPTION: Seeking assistance for the purchase of a 21,000 square foot building, land, and equipment for the processing of tires and plastics.

PROPOSAL #19: GRINNELL 2000 FOUNDATION

GRANT REQUEST: \$24,100

DESCRIPTION: Funding to establish one or more demonstration source reduction programs in area grocery stores. Also, the project would produce a brochure to educate consumers of volume reduction in grocery shopping.

PROPOSAL #21: MT. PLEASANT CORRECTIONAL FACILITY

GRANT REQUEST: \$14,200

DESCRIPTION: Funding would be for the purchase of a brush chipper as part of a yard waste composting project.

PROPOSAL #22: MT. PLEASANT CORRECTIONAL FACILITY

GRANT REQUEST: \$3,500

DESCRIPTION: This funding would be for the purchase of a 5,000 gallon tank truck used in a project using calcium carbonate from a water treatment facility for soil conditioning.

PROPOSAL #23: WASTE SYSTEMS CORPORATION

GRANT REQUEST: \$172,543

DESCRIPTION: Requesting assistance for the construction of a processing facility for recyclable goods in Worth County.

PROPOSAL #24: CITY OF HILLS

GRANT REQUEST: \$11,000

DESCRIPTION: Requesting assistance in purchasing carts for a recycling program that is scheduled to begin in Hills.

PROPOSAL #25: CITY OF SPENCER

GRANT REQUEST: \$99,000

DESCRIPTION: Funding would be for the acquisition of collection equipment for recyclable goods. Recyclable materials go to the recycling facility operating at the Northwest Iowa Landfill in Sheldon.

PROPOSAL #26: THE OTTUMWA COURIER

GRANT REQUEST: \$12,870

DESCRIPTION: The Ottumwa Courier wishes to buy shredding and baling equipment for making animal bedding.

PROPOSAL #27: FRONTIER TRADING POST

GRANT REQUEST: NA

DESCRIPTION: Asking for assistance in a recycling operation near St. Ansgar.

PROPOSAL #28: COUNCIL BLUFFS PUBLIC HEALTH DEPARTMENT

GRANT REQUEST: \$380,000

DESCRIPTION: Requesting aid in acquiring two (2) 2-stage stainless steel composting vessels. This is part of a large scale materials recovery facility which processes a considerable portion of the solid waste generated in Pottawattamie County.

PROPOSAL #29: IOWA PLASTICS

GRANT REQUEST: \$94,287

DESCRIPTION: Requesting funds for the purchase of equipment to be used in the recycling of plastic in an effort to create a market of plastics in Iowa. The funds would also be used for the costs of a building for the operations.

PROPOSAL #30: AG PRODUCTS TERMINAL COMPANY

GRANT REQUEST: \$500,000

DESCRIPTION: Assistance is being requested for the purchase of a tire shredder. This company also stockpiles scrap tires in abandoned mines.

PROPOSAL #31: GIESE CONSTRUCTION COMPANY

GRANT REQUEST: \$400,000

DESCRIPTION: Building modifications, storage bins and processing equipment would be bought with grant money for this recycling facility. This project could potentially service an eight (8) county area in north central Iowa.

PROPOSAL #32: JOSEPH SULLIVAN

GRANT REQUEST: NA

DESCRIPTION: This project would provide service to pick up oil filters, crush filters and capture waste motor oil from the filters as well as other elements of the filters.

PROPOSAL #33: VRANDENBURG ENTERPRISES

GRANT REQUEST: \$80,000

DESCRIPTION: This project would expand current recycling activities in Lee County for certain types of engineering plastics which are not currently recovered.

PROPOSAL #34: CITY PERRY--WALL INC.

GRANT REQUEST: \$187,205

DESCRIPTION: Project would set up a full scale recycling operation in Perry.

PROPOSAL #35: GENERIC RESOURCES

GRANT REQUEST: \$80,000

DESCRIPTION: Would help start a recycling operation in the city of Cantril.

PROPOSAL #36: METRO GROUP INC.

GRANT REQUEST: \$25,000

DESCRIPTION: Funding would be for the development and implementation of a pilot scale recycling center that recovers paint thinner.

PROPOSAL #37: IOWA STATE UNIVERSITY

GRANT REQUEST: \$25,000

DESCRIPTION: Project to design and construct a prototype collection vehicle for the collection of recyclables.

PROPOSAL #38: OTTUMWA WAPELLO COUNTY LANDFILL COMMISSION

GRANT REQUEST: \$368,995

DESCRIPTION: Requesting funds to construct and equip a recycling and collection center in the City of Ottumwa which will serve Wapello and Davis Counties.

PROPOSAL #39: IOWA STATE UNIVERSITY

GRANT REQUEST: \$249,820

DESCRIPTION: A research program involving the installation and operation of a pilot-scale agglomeration unit to recover fly ash at a coal combustion power plant in the state of Iowa.

PROPOSAL #40: THE HOME METAL RECYCLERS

GRANT REQUEST: \$167,000

DESCRIPTION: A service to provide, free of charge, pickup of all recyclable metals at the property of the local citizen in the Cedar Rapids area.

PROPOSAL #41: DICKINSON'S ROLLOFFS

GRANT REQUEST: NA

DESCRIPTION: To buy and develop the necessary equipment to provide a curbside recycling program for residential pickup in Sioux City.

PROPOSAL #42: MAHASKA COUNTY

GRANT REQUEST: \$140,600

DESCRIPTION: A cooperative effort with B & B Bedding, Inc. to assist in the recycling efforts that have been initiated in Mahaska County. The project would use newspapers as a livestock bedding.

PROPOSAL #43: FREEL SANITATION CO.

GRANT REQUEST: \$88,275

DESCRIPTION: Requesting funds to establish a receiving, baling, and shipping facility to recycle cardboard in the Ames area.

PROPOSAL #44: FREEL SANITATION CO.

GRANT REQUEST: \$190,525

DESCRIPTION: To operate a log and stump chipper and a brush chipper to process wood waste into a useable product.

PROPOSAL #45: EXPLORER TROOP #421

GRANT REQUEST: \$3,152

DESCRIPTION: Establishing a collection center and regular pick-up days for recyclable commodities in Mitchell County.

PROPOSAL #46: WILLIAM MCALPINE

GRANT REQUEST: NA

DESCRIPTION: Cannot be discerned from the application

PROPOSAL #47: NORTHWEST IOWA AREA SOLID WASTE AGENCY

GRANT REQUEST: \$99,780

DESCRIPTION: To expand the current material recovery program in Northwest Iowa and create a new project to recover rubber from waste tires.

PROPOSAL #48: MIDWEST RESEARCH AND RECYCLING, INC.

GRANT REQUEST: \$398,000

DESCRIPTION: To develop and operate a commercial waste tire processing facility near Ft. Dodge.

PROPOSAL #49: MARSHALLTOWN RECYCLING AND REDEMPTION CENTER

GRANT REQUEST: \$42,000

DESCRIPTION: Expansion of existing recycling operations through the purchase of a bailer.

PROPOSAL #50: FARMEGG PRODUCTS

GRANT REQUEST: \$6,210

DESCRIPTION: A feasibility study to investigate the social and economic benefits of composting chicken manure and solid waste at Farmegg Products near Humboldt.

PROPOSAL #51: ECO-SPAN SYSTEMS

GRANT REQUEST: \$319,866.70

DESCRIPTION: To establish and operate a bulk processing facility for used antifreeze to service the state.

PROPOSAL #52: BEHNKEN LABORATORIES, INC.

GRANT REQUEST: \$24,000

DESCRIPTION: A feasibility study to determine whether drying/combustion Processes are an attractive alternative to composting or land application of wastewater sludge and yard wastes.

PROPOSAL #53: HORIZONS UNLIMITED

GRANT REQUEST: \$196,800

DESCRIPTION: Expansion of the existing recycling program in Palo Alto County to process all recyclable commodities.

PROPOSAL #54: CITY OF MARSHALLTOWN

GRANT REQUEST: \$295,000

DESCRIPTION: To develop and operate a city-wide combination yard waste composting and tree processing site.

PROPOSAL #55: RPM MANUFACTURING, INC.

GRANT REQUEST: \$57,433

DESCRIPTION: To develop and operate a facility that will collect and reprocess buffing dust from tire retreading operations into rubber products in Sioux City.

PROPOSAL #56: BUENA VISTA COUNTY LANDFILL COMMISSION

GRANT REQUEST: \$180,000

DESCRIPTION: To demonstrate the viability of co-composting industrial waste treatment sludge from IBP in Storm Lake with the compostable by-product a mechanical separation/recycling process.

PROPOSAL #57: PROGRESS INDUSTRIES

GRANT REQUEST: \$21,417.50

DESCRIPTION: To begin operation of a facility to collect and recycle office paper and cardboard and plastic in the Newton area.

PROPOSAL #58: RINGGOLD SANITATION

GRANT REQUEST: \$62,203.11

DESCRIPTION: To implement a volume reduction education program and curbside collection program for recyclables in Mt. Ayr.

PROPOSAL #59: AUDUBON, CRAWFORD, AND SHELBY COUNTIES

GRANT REQUEST: \$383,450

DESCRIPTION: Establish curbside and dropbox recycling systems, building transfer stations and purchasing compartmentalized "walking floor" trailers in Audubon, Crawford, and Shelby Counties.

PROPOSAL #60: BLACK HAWK COUNTY SOLID WASTE MGT COMMISSION

GRANT REQUEST: \$45,000

DESCRIPTION: Stack testing to measure the emissions using dRDF as a supplemental fuel to co-fire with coal at John Deere Waterloo Works.

PROPOSAL #61: THE BLUEBERRY PATCH, LTD.

GRANT REQUEST: \$25,000

DESCRIPTION: A study to address the recovery and recycling of waste paper in the workplace. The study would involve large companies in the Des Moines area.

PROPOSAL #62: ECO-LASTICS PLASTIC/SALVAGE

GRANT REQUEST: NA

DESCRIPTION: Collection, processing, and marketing of plastic waste in central Iowa.

PROPOSAL #63: DAVENPORT WATER POLLUTION CONTROL PLANT

GRANT REQUEST: \$464,250

DESCRIPTION: To construct and operate a full-scale composting and fire wood facility that would serve Scott County as its depository for yard and landscape waste.

PROPOSAL #64: WACO, INC.

GRANT REQUEST: \$24,500

DESCRIPTION: The purchase of a route truck to assist in the collection of recyclable plastic in Sioux City.

PROPOSAL #65: CITY OF BELLEVUE

GRANT REQUEST: \$56,344

DESCRIPTION: Establish a recycling program in Bellevue that involves curbside collection of recyclables and construction of a processing center.

PROPOSAL #66: ENVIRONMENTAL DEFENCE FUND

GRANT REQUEST: \$22,000

DESCRIPTION: Requesting participation from the DNR in a national campaign to promote recycling.

PROPOSAL #67: BIO RESOURCES, INC.

GRANT REQUEST: NA

DESCRIPTION: The construction of a research and development facility for composting. A collaborative research effort is proposed between Bio Resources, the University of Iowa Hygienic Laboratory, and the DNR.

PROPOSAL #68: HAWKEYE INSTITUTE OF TECHNOLOGY

GRANT REQUEST: \$183,434

DESCRIPTION: A research and a demonstration/education project involving small-scale composting operations.

PROPOSAL #69: JUSTIN CHAPMAN

GRANT REQUEST: NA

DESCRIPTION: Construction and operation of a machine to digest organic waste.

PROPOSAL #70: DJ ENTERPRISES

GRANT REQUEST: \$22,691

DESCRIPTION: To expand an existing redemption center into a multi-material recycling center in Forest City.

PROPOSAL #71: TOM WOODY

GRANT REQUEST: \$71,750

DESCRIPTION: Construction and operation of a trailer-mounted shredder to reduce the volume of solid waste.

PROPOSAL #72: JIM'S SANITATION SERVICE

GRANT REQUEST: \$82,747

DESCRIPTION: Operation of a curbside collection system and a processing center for recyclables in the City of Washington.

PROPOSAL #73: NCS PLASTICS, INC.

GRANT REQUEST: NA

DESCRIPTION: Construction and operation of a reprocessing facility for HDPE and PET plastic located in Cedar Rapids.

Ms. Hay explained that the proposal from Doud's Recycling Center (proposal #20) was erroneously omitted. Their grant request was for \$42,300 to construct a recycling facility and purchase a skid loader.

The Commission noted that several of the grant proposals did not list a location.

Ms. Hay stated that the locations will be added before it is brought back before the Commission.

Discussion followed.

This was an informational item; no action was required.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Iowa Dress Club, Inc./Richard Caves (Oskaloosa) - water pollution
William Root/LAWNKeepers (Austin, MN) - water pollution

Iowa Dress Club, Inc. - Richard Caves

Mr. Murphy stated that staff recommendation is that the facts in this case be reviewed by the Attorney General's Office, and if the evidence is sufficient to demonstrate criminal violations, that criminal prosecution be brought. He explained that this case involves a dry cleaning establishment in Oskaloosa and the owner also owns residential property on the outskirts of town. Mr. Murphy noted that last Spring a complaint was investigated and it was determined that solid waste, motor oil, and dry cleaning chemicals containing tetrachloroethylene had been disposed of in a well on the property. Samples taken at the top of the waste, and the bottom of the well after the materials were removed, showed extremely high contamination by the oil (hydrocarbons) and the tetrachloroethylene. Mr. Murphy added that staff feels the evidence shows rather serious violations and serious action should be taken.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.

William Root - LAWNKeepers

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--VICTOR CARLSON

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On December 8, 1989, the department issued Administrative Order 89-AQ-39 to Victor Carlson. That action directed him to cease open burning and assessed a \$1000 penalty. That action was appealed and the matter proceeded to administrative hearing on May 23, 1990. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on June 8, 1990. The decision affirms the department's Order, with the exception of reducing the penalty to \$100.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision unless there is an appeal.

PROPOSED CONTESTED CASE DECISION--IBP, inc.

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On September 2, 1988, the department issued Administrative Order 88-WW-30 to IBP, inc. That action directed IBP to cease operation of unpermitted waste disposal facilities, to conduct soil and groundwater studies, and to pay a \$600.00 penalty. That action was appealed and the matter proceeded to administrative hearing on April 25, 1990. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on June 26, 1990. The decision affirms the Department's Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or

review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the hearing officer's decision unless there is an appeal.

GROUNDWATER CLEANUP GUIDELINES

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Beginning in December of 1989 the Commission held a series of sessions to gather information on risk assessment, how it is conducted and applied to situations of ground water contamination. These sessions were held to assist the Commission in determining if the Department's current ground water clean-up guidelines, which are based on U.S. EPA lifetime health advisories, are appropriate. Monsanto Corporation of St. Louis, Mo. had asked that the Commission consider raising the level of acceptable risk to the maximum contaminant levels (MCLs) associated with public drinking water.

The following nine individuals provided testimony to the Commission. In addition, material was provided to the Commission by the staff.

Dr. Dennis Ward -- Monsanto Corp.

Dr. Peter Thorne -- University of Iowa

Dr. Frank Lawrence -- Groundwater Technology, Mich.

Mr. Frank Dombrowski -- Groundwater Technology, Mass.

Dr. Robert Clark -- U.S. EPA, Cincinnati, OH.

Dr. Steve Schmelling -- U.S. EPA, Ada, OK.

Dr. John Eure -- Iowa Department of Public Health

Dr. Henry Anderson -- Wisconsin Department of Public Health

Mr. Robert Field -- U.S. EPA, Kansas City, KS.

Testimony was heard on the toxicology behind determining risk, how risk is assessed in the event of contamination and how risk assessment is used at a contaminated site.

Generally, risk assessment is a process of determining the statistical likelihood of an adverse health effect at a certain level of exposure, over a given period of time. This likelihood is based, for the most part, on toxicity studies of laboratory animals, and in unusual cases on actual exposure to human populations.

Several speakers advocated raising the acceptable level of risk based on their belief that the levels associated with the lifetime health advisory levels are too conservative. These speakers felt that the cost associated with achieving clean-up concentrations at or near the lifetime health advisory was too great for the benefit received.

Other speakers advocated leaving the acceptable level of risk at the lifetime health advisory level. These speakers suggested that the evidence indicates that lifetime health advisory levels of risk are not conservative, rather that they appear to be appropriate and reasonably accurate in predicting adverse health effects.

Many of the speakers suggested that in practical terms clean-up guidelines are goals and the actual level of clean-up attained at a site depends on technological and economic factors unique to the site.

Obviously, there is not complete agreement within scientific community with regard to what level of clean-up is appropriate. The staff thinks that clean-up guidelines must be aimed at protection of human health and, therefore, the current guidelines are appropriate.

Legally enforceable clean-up standards which differ from health advisory levels may be set for individual programs, such as the enforceable standards for underground storage tanks which the Commission is currently addressing.

The staff recommends that no change be made to the clean-up guidelines at this time. The current guidelines clearly fulfill the mandate of the Iowa Groundwater Protection Act. Further, the level of risk these guidelines represent is a level found to be acceptable to and protective of the citizens of Iowa.

Mr. Combs reviewed the risk assessment study that was done earlier in the year and noted that staff recommendation is that no changes be made to the current guidelines.

Richard Hartsuck asked if setting MCL's as groundwater cleanup guidelines would fulfill the mandate of the Groundwater Protection Act.

Mr. Combs responded that the mandate is that the Commission adopt, by rule, groundwater cleanup guidelines and MCL's would fulfill that mandate.

Commissioner Hartsuck stated that he wonders how the Commission would ever justify a cleanup guideline which is more stringent than the requirements on the Des Moines Waterworks, the Cedar Rapids Waterworks, etc., for drinking water.

Mr. Combs responded that staff believes that since these are guidelines and not enforceable standards, a very high goal should be used to provide maximum protection of public health rather than including the economic factors that are added into the MCL's adopted under the Clean Water Act. He added that these guidelines are what the department would use as the goal in any cleanup action, not as a punitive measure.

Nancylee Siebenmann commented that she is in favor of leaving the guidelines as is since the Commission's goal should be the best they can do, and to do less than that is not serving the public well.

Discussion followed regarding cleanup levels of certain chemicals, also the fact that UST cleanup is on a case-by-case basis.

Al Stokes explained that in the UST program the 5 parts/million MCL is not the cleanup level, but it is the action level. If that level is exceeded a person would have to do site assessment to determine the amount of cleanup that is necessary.

Clark Yeager asked the point in making an individual cleanup to better than drinking water standards on private property when a Des Moines resident can drink water at a lower standard.

Mr. Combs responded that drinking water standards are put in place for community water supplies where they are providing treated water to the public. A number of people use groundwater out of wells that are not treated. In Des Moines, if the water supply exceeds a contaminant level, the water treatment system has the ability of blending water, looking at different sources of water, etc. An individual using water from a private well does not have these options.

Discussion followed regarding Commission goals for protecting the groundwater and environment and how they will be used.

Motion was made by Richard Hartsuck that cleanup guidelines for remediation of point source contamination of groundwater be changed to MCLs. Seconded by Gary Priebe.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Hartsuck, King, Priebe, Yeager, and Mohr. "Nay" vote was cast by Commissioners Earley, Prahl, and Siebenmann. Motion carried on a vote of 6-Aye to 3-Nay.

DISCUSSION ON WETLANDS ISSUES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Mr. Stokes noted that he distributed a briefing paper entitled "Section 404 Dredge and Fill Permits" and related that the Commissioners may read it at their leisure. Mr. Stokes stated that the instigation behind this presentation is a continual raising of an issue by certain representatives of the drainage industry that the water quality standards will adversely impact farmers in drainage districts, particularly, in the ability to drain wetlands that can be created in CRP grounds as part of the CRP program. Mr. Stokes stated that Al Farris, Division Administrator of the Fish & Wildlife Division, and Lyle Asell, Soil Conservation Commission, will address the issue of the department's position relative to CRP created wetlands.

AL FARRIS - WETLANDS

Al Farris, Division Administrator, Fish & Wildlife Division, stated that the history of wetlands in Iowa has been to get rid of them, either by drainage, by filling, or whatever method. With the advent of the CRP program, the Fish and Wildlife people saw an opportunity to turn that around. He explained how the state, in cooperation with the U.S. Fish & Wildlife Service, initiated a program to convince private landowners to restore wetlands on land enrolled in the Conservation Reserve Program. To date, the department has worked with 235 private landowners to restore approximately 375 basins totalling about 1,770 acres of wetland on private land. Most of it is land enrolled in the CRP.

Mr. Farris emphasized that wetland drainage is not against the law and one does not need a 404 permit to do so, but to fill it you must have a 404 permit. If it is drained and planted to a commodity crop, it is a violation of Swampbuster provisions of the Food Security Act. He added that his staff has told people that if they restore a wetland on CRP land, that at the end of the CRP contract they can drain that wetland because it is not a violation of the law. They cannot fill but they can drain it and put it back into productivity. Mr. Farris explained how a wetland can be restored. He noted that Swampbuster does not apply to restored wetlands on land enrolled in the CRP program.

Gary Priebe commented that he read in one of the farm magazines that COE staff said a person would not be able to drain one of these wetlands.

Mr. Farris responded that the COE does not currently regulate the drainage of wetlands. They have no authority to regulate the

drainage of wetlands unless a fill is put in. He explained that if you introduce fill into a wetland while you are doing the tiling, you are filling a wetland.

Mr. Farris informed the Commission of public meetings being held this week to discuss wetlands restoration and what is allowed.

Nancylee Siebenmann asked if there are any funds available for people who have losses because they have farmed in natural wetlands and with the recent flooding period have had a crop disaster.

Al Stokes introduced Lyle Asell, SCS Assistant State Conservationist for Water Resources, and related that Mr. Asell will address this question.

LYLE ASELL - WETLANDS

Lyle Asell, SCS, explained that there are two different sources of federal funding for disaster assistance, the most common being the Emergency Conservation Program which is administered by the ASCS. The other is Section 216 of Public Law 81-516 and it deals primarily with floodplain type damages. He explained the details of these funding programs.

Mr. Asell stated that the Iowa drainage laws are very strong in support of drainage, and SCS technical assistance has been provided in draining wetlands for many years. He further explained his agency's programs and activities dealing with wetlands.

Margaret Prah1 asked how Mr. Asell would define "artificial wetlands."

Mr. Asell responded that an artificial wetland is essentially man made.

Commissioner Prah1 further asked if a person drained their land in 1840, and then went in and interrupted the drainage and it reconverts to a wetland, if that makes it an artificial wetland.

Mr. Asell explained that the period of 1981-1985 is the benchmark years for what is there at that time. The SCS will try to determine the condition of the land at that point in time. The SCS has one classification that is widely used and it is called prior converted, that means it has already been drained. He added that if it is officially designated as a prior converted wetland, then it is a prior converted wetland.

Discussion followed.

This was an informational item; no action was required.

GENERAL DISCUSSION ITEMS

Discussion took place regarding newspaper articles (pertaining to Commission items) appearing in the paper prior to the meeting.

Mr. Combs explained that a news release goes out to the press when packets are mailed to the Commission and the items are then public records. He added that the only information provided to the press on referrals are the facts of the case and what the law states regarding penalty, as that is public information.

Chairperson Mohr asked if anything could be done to address the concerns of Mr. Balvanz.

Mr. Stokes stated that staff will prepare a presentation on the potential impacts of using asphalt on stream banks and in ravines.

Clark Yeager remarked that he would like to know more about using tires for fish habitat and bank stabilization.

Mr. Stokes stated that staff will prepare a presentation on this issue as well.

DAN FRIEBERG

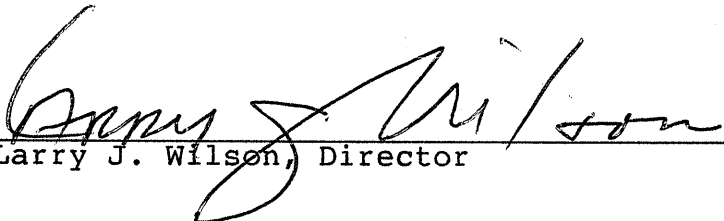
Dan Frieberg, Iowa Fertilizer and Chemical Association, commented that the Association has launched a pesticide container recycling program. He related that they are using 30 sanitary landfills in Iowa for the program and DNR has permitted that process to take place. He explained details of the program and emphasized their appreciation for DNR staff cooperation and help in getting started.

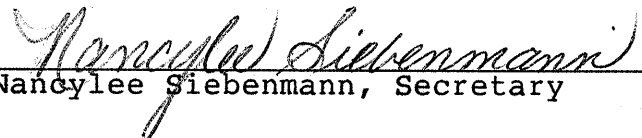
NEXT MEETING DATES

August 20-21, 1990 (Sioux City)
September 17-18, 1990
October 15-16, 1990

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 5:15 p.m., Monday, July 16, 1990.


Larry J. Wilson, Director


Nancy Lee Siebenmann, Secretary

INDEX

A

Adoption of Agenda E90Jul-1
Adoption of Minutes E90Jul-1
Air Program
 Equipment Acquisition E90Jul-57
Appointment
 Ed Kistenmacher E90Jul-16
Asell, Lyle
 Wetlands E90Jul-153
Attorney General Office
 Report E90Jul-16
Award Contract of Underground
 Storage Tank Phase I - Site
 Assessment E90Jul-60

B

Balvanz, Don - Public
 Participation E90Jul-18
Budget
 FY91, FY92 and FY93 E90Jul-99

C

Carlson, Victor
 Contested Case
 Decision-Proposed E90Jul-148
Caves, Richard
 Referrals To The Attorney
 General E90Jul-147
Certification
 Landfill Operator and Incinerator
 Operator E90Jul-40
Clark County
 Nonpoint Pollution Control
 Project Contract E90Jul-59
Closed Session
 John Sarcone E90Jul-16
Contested Case Decision
 Proposed--IBP, inc. E90Jul-148
 Proposed--Victor
 Carlson E90Jul-148

D

Director's Report E90Jul-1

Discussion on Wetlands
 Issues E90Jul-152

E

Emission Standards for Contaminants
 (Open Burning)
 Final Rule--Chapter 23 E90Jul-19
Equipment Acquisition for Air
 Program E90Jul-57

F

Farris, Al
 Wetlands E90Jul-152
Federal Effluent and Pretreatment
 Standards
 Notice of Intended Action,
 Chapters 60 and 62 E90Jul-55
Final Rule
 Chapter 135, UST Cleanup
 Standards E90Jul-27
 Chapter 23, Emission Standards
 for Contaminants (Open
 Burning) E90Jul-19
 Chapters 100 and 102, Landfill
 Operator and Incinerator
 Operator
 Certification E90Jul-40
 UST Cleanup Standards--Chapter
 135 E90Jul-27
Financial Status Report E90Jul-130
Floyd County
 Nonpoint Pollution Control
 Project Contract E90Jul-59
Frieberg, Dan E90Jul-154

G

General Discussion Items E90Jul-154
Groundwater Cleanup
 Guidelines E90Jul-149

I

IBP, inc.

Contested Case

Decision-Proposed E90Jul-148
Iowa Dress Club, Inc.
Referrals To The Attorney
General E90Jul-147

J

July 1990 COMMISSION
MEETING E90Jul-1

K

Kistenmacher, Ed -
Appointment E90Jul-16

L

Landfill Alternative Grant
Applications E90Jul-134
Landfill Operator and Incinerator
Operator Certification
Final Rule--Chapters 100 and
102 E90Jul-40
LAWNKeepers - William Root
Referrals To The Attorney
General E90Jul-147
Legislation Report E90Jul-127

M

Members Present E90Jul-1
Monthly Reports E90Jul-2

N

Nonpoint Pollution Control Project
Contract
Clark County E90Jul-59
Floyd County E90Jul-59
Notice of Intended Action
Chapter 60, Definitions and
Chapter 62, Federal Effluent and
Pretreatment
Standards E90Jul-55

P

Proposed Rule
Chapter 61 Water Quality
Standards: Stream Use
Designations E90Jul-18
Public Participation
Don Balvanz E90Jul-18

R

Referrals To The Attorney
General E90Jul-147
Iowa Dress Club, Inc. - Richard
Caves E90Jul-147
William Root -
LAWNKeepers E90Jul-147
Root, William - LAWNKeepers
Referrals To The Attorney
General E90Jul-147

S

Sarcone, John
Attorney General Office
Report E90Jul-16
Stream Use Designations
Water Quality Standards, Proposed
Rule--Chapter 61 E90Jul-18

U

UST
Award Contract of Phase I - Site
Assessment E90Jul-60
Cleanup Standards, Final
Rule--Chapter 135 E90Jul-27

W

Water Quality Standards
Stream Use Designations, Proposed
Rule--Chapter 61 E90Jul-18
Wetlands
Al Farris E90Jul-152
Lyle Asell E90Jul-153